

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 3 - 2 - 0
Yeas: Prozanski, Walker, Burdick
Nays: Beyer, Kruse
Exc.: 0
Prepared By: Darian Stanford, Counsel
Meeting Dates: 1/29

WHAT THE MEASURE DOES: Deletes sunset from provision in ORS 138 relating to convicted person's ability to request DNA (deoxyribonucleic acid) testing of evidence.

ISSUES DISCUSSED:

- Extending sunset provision as alternative to passing bill
- Insignificant number of applicants in first two years of law
- Ability of legislature to rescind law if abused
- Innocent persons occasionally plead guilty rather than no contest

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Last session, the Oregon Legislature approved a bill to allow a person to request DNA testing of specific evidence if the person is either (1) incarcerated as a result of a conviction of aggravated murder or any person felony, or (2) not in custody but convicted of aggravated murder, murder or a sex crime. The person must file a motion in circuit court accompanied by an affidavit containing, in relevant part, (1) a statement that the person is innocent, (2) a description of the specific evidence to be tested and (3) a defense theory of the case.

The legislature passed the bill with a two-year sunset provision. SB 244 removes the two-year sunset provision.