

Enrolled
Senate Bill 985

Sponsored by Senator BATES; Senators ATKINSON, BEYER, BURDICK, JOHNSON, PROZANSKI, WALKER, WHITSETT, Representatives BARKER, BOONE, BUCKLEY, ESQUIVEL, FLORES, GILMAN, MAURER, READ, RICHARDSON, SCHAUFLEER (at the request of Attorney General Hardy Myers, Crime Victims United, Lindsay family)

CHAPTER

AN ACT

Relating to post-conviction relief; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) A petitioner in a post-conviction relief proceeding may not compel a victim to testify, either by deposition, hearing or otherwise unless the petitioner moves for an order of the court allowing a subpoena.

(2) A copy of the motion for a subpoena under this section must be served on the counsel for the defendant.

(3) The court may not grant an order allowing a subpoena under this section unless the petitioner can demonstrate good cause by showing that the victim has information that is material to the post-conviction relief proceeding, is favorable to the petitioner and is other than what was admitted at trial.

(4) If the court grants an order allowing a subpoena under this section, upon a request by the victim for no personal contact between the parties, the court may allow the victim to appear by telephone or other communication device approved by the court.

SECTION 2. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by Senate April 3, 2007

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Secretary of Senate

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President of Senate

Passed by House June 4, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State