

Senate Bill 985

Sponsored by Senator BATES; Senators ATKINSON, BEYER, BURDICK, JOHNSON, PROZANSKI, 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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires petitioner in post-conviction relief proceeding to demonstrate good cause prior to issuance of subpoena to victim.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to post-conviction relief; and declaring an emergency.

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

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

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

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

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

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

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.