

Senate Bill 215

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General Hardy Myers for Department of Justice)

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**.

Removes requirement that confession in criminal case be corroborated by some other proof.

A BILL FOR AN ACT

1
2 Relating to the corroboration of confessions; creating new provisions; and amending ORS 136.425.

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

4 **SECTION 1.** ORS 136.425 is amended to read:

5 136.425. (1) A confession or admission of a defendant, whether in the course of judicial pro-
6 ceedings or otherwise, cannot be given in evidence against the defendant when it was made under
7 the influence of fear produced by threats [*; nor is a confession only sufficient to warrant the con-*
8 *viction of the defendant without some other proof that the crime has been committed*].

9 (2) Evidence of a defendant's conduct in relation to a declaration or act of another, in the
10 presence and within the observation of the defendant, cannot be given when the defendant's conduct
11 occurred while the defendant was in the custody of a peace officer unless the defendant's conduct
12 affirmatively indicated the belief of the defendant in the truth of the matter stated or implied in the
13 declaration or act of the other person.

14 **SECTION 2.** **The amendments to ORS 136.425 by section 1 of this 2009 Act apply to of-**
15 **fenses committed on or after the effective date of this 2009 Act.**

16

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.