

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Cheyenne Ross, Counsel
Meeting Dates:	3/3, 3/14

WHAT THE MEASURE DOES: Establishes uniform process to obtain confidential jury records for use as evidence in post-conviction relief proceedings. Requires request for records be made on motion during proceedings or in post-conviction relief petition filed no later than 90 days before post-conviction relief hearing absent good cause to file within shorter time. Specifies pleading requirements. Permits court to release records based on certain findings and clarifies standard. Grants trial court administrator and State Court Administrator right to intervene. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- No greater or lesser entitlement to records
- Application of existing process to requests made after trial

EFFECT OF COMMITTEE AMENDMENT: Requires request for records be made in post-conviction relief petition or on motion during proceedings. Requires filing of request no later than 90 days before post-conviction relief hearing absent good cause to file within shorter time. Clarifies standard to release records as likely to produce evidence relevant to claim of substantial denial of constitutional rights.

BACKGROUND: Senate Bill 389A comes from the Oregon Judicial Department. Statutes currently provide for records requests at the trial court level. Senate Bill 389A includes requests made after trial.