

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 8 - 0 - 2
Yeas: Hicks, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
Nays: 0
Exc.: Garrett, Nolan
Prepared By: Cheyenne Ross, Counsel
Meeting Dates: 5/11, 5/18

WHAT THE MEASURE DOES: Modifies obligation of evidence custodian to retain biological evidence as follows: For 60 years or until death of each person convicted of aggravated murder, murder, rape in the first degree, sodomy in the first degree or unlawful sexual penetration in the first degree; until completion of sentence by each person convicted of aggravated vehicular homicide, manslaughter in the first degree or manslaughter in the second degree; and until the statute of limitations has expired for charges that do not result in conviction. Requires court to return admitted biological evidence to the responsible custodian or the defense, as appropriate. Provides procedure to address lost or destroyed biological evidence. Prohibits reversal of conviction on sole ground that biological evidence is no longer available. Requires Attorney General to adopt rules pertaining to evidence collection in consultation with the Department of State Police and evidence custodians. Provides process for alternative disposition. Repeals sunset. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- History of work group and participants; development of statutes addressing evidence preservation
- Best practices for collection and retention of evidence

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Senate Bill 731 A is the most recent in a series of measures that provide a framework for dealing with DNA evidence. Oregon Revised Statutes contain provisions for the collection and retention of such evidence for missing persons at ORS 146.187, and provide a means for the use of DNA evidence in post-conviction relief proceedings at ORS 138.690 to 138.698. In 2009, Senate Bill 310 A passed to effect a moratorium on the destruction of DNA evidence in certain criminal cases.

Senate Bill 731 A is the product of an interim work group that refines the provisions of Senate Bill 310 A and lifts the moratorium.