

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 4 - 0 - 1

Yeas: Close, Dingfelder, Kruse, Prozanski

Nays: 0

Exc.: Roblan

Prepared By: Mike Schmidt, Counsel

Meeting Dates: 2/26, 2/28

WHAT THE MEASURE DOES: Creates process for appeal of trial court decision to allow or disallow DNA testing; to allow or disallow a new trial; to disallow appointment of counsel. Applies retroactively to prior trial court decisions when appeal was not available.

ISSUES DISCUSSED:

- Other states already have this appeals process

EFFECT OF COMMITTEE AMENDMENT: Replaces the original measure.

BACKGROUND: Oregon statutes already allow defendants to file motions requesting DNA testing for potential exculpatory evidence. However, currently there is no provision in Oregon law for allowing appeal of the trial court's decision of whether or not to grant the motion. This bill would allow appeals to be made of the trial court's ruling on the DNA motion. Either side may appeal the judge's order for testing or new trial.