

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass

Vote: 8 - 0 - 1

Yeas: Barton, Cameron, Garrett, Hicks, Krieger, Tomei, Williamson, Barker

Nays: 0

Exc.: Olson

Prepared By: Anna Braun, Counsel

Meeting Dates: 3/13

WHAT THE MEASURE DOES: Removes requirement that a jury must distrust a witness who testifies falsely in one part of his or her testimony.

ISSUES DISCUSSED:

- Clarify the finder of fact makes the decision whether to trust a witness

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Current Oregon Uniform Criminal Jury Instructions state that witnesses must be distrusted if a jury finds they have been false in one part of their testimony. The Oregon Supreme Court decision in *Ireland v. Mitchell*, 226 Or 286, 290, 359 P2d 894 (1961) held that jurors may distrust such a witness, but are not obligated to do so. Senate Bill 55 conforms the statute to the Supreme Court ruling and current practice.