

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

---

<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	9 - 0 - 0
<b>Yeas:</b>	Barton, Cameron, Garrett, Hicks, Krieger, Olson, Tomei, Williamson, Barker
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Anna Braun, Counsel
<b>Meeting Dates:</b>	3/27, 4/17

---

**WHAT THE MEASURE DOES:** Provides process for required disclosure of witnesses in post-conviction relief cases. Requires written report, unless otherwise ordered by the court. Clarifies that witnesses may appear by affidavit or declaration. Follows timelines established by the court. Mandates disclosure for petitioner and defendant. Protects victims from disclosure requirements.

**ISSUES DISCUSSED:**

- Need for proposal at this time
- Concern about application to other civil cases
- Witness appearance generally in writing

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies that witnesses may appear by affidavit or declaration. Reduces the amount of information that needs to be disclosed regarding expert witnesses. Eliminates prescribed timelines. Requires post-conviction defendants, usually the superintendent of the prison, to comply with the same disclosure requirements as petitioners.

**BACKGROUND:** Post-conviction relief is a process to review errors in criminal conviction and sentencing. Post-conviction relief cases are governed by the Oregon Rules of Civil Procedure (ORCP). No disclosure of witnesses or the content of expert witnesses' testimony is required under Oregon civil procedure which has been characterized as "ambush" practice. House Bill 3287A does not change the ORCP but provides an exception for post-conviction relief cases.