

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

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Action: Do Pass

Vote: 9 - 0 - 0

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

Nays: 0

Exc.: 0

Prepared By: Mike Schmidt, Counsel

Meeting Dates: 4/22

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**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; and to disallow appointment of counsel. Applies retroactively to prior trial court decisions when appeal was not available.

**ISSUES DISCUSSED:**

- Both sides should have option of appeal if they believe the trial court made an error
- Case in Florida of man exonerated by DNA evidence after 35 years of prison

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**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.