

**A-Engrossed**  
**House Bill 3287**

Ordered by the House April 24  
Including House Amendments dated April 24

Sponsored by COMMITTEE ON JUDICIARY (at the request of Attorney General Ellen F. Rosenblum)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires party in post-conviction relief proceeding to disclose witness information to opposing party [*at least 90 days prior to hearing*] **pursuant to timeline established by court.**

**A BILL FOR AN ACT**

1  
2 Relating to post-conviction relief.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 138.510 to**  
5 **138.680.**

6 **SECTION 2. (1) In any proceeding for post-conviction relief pursuant to ORS 138.510 to**  
7 **138.680, a party shall provide to the other party, upon written request of the other party or**  
8 **an order of the court, the identity of and, except as provided in subsection (5) of this section,**  
9 **the contact information for any person who is a potential witness, whether the person may**  
10 **be called to testify at the proceeding or provide sworn written testimony.**

11 **(2) Unless otherwise ordered by the court, the disclosure required by subsection (1) of**  
12 **this section concerning any witness that a party may use at the proceeding to present evi-**  
13 **dence under ORS 40.410, 40.415 or 40.420 must be accompanied by a written report that is**  
14 **prepared and signed by the witness. The report must contain:**

15 **(a) A complete statement of all opinions the witness intends to assert as an expert wit-**  
16 **ness; and**

17 **(b) The data or other information considered by the witness in forming the opinions.**

18 **(3) The disclosures required by subsections (1) and (2) of this section must be made ac-**  
19 **cording to timelines established by the court in each case.**

20 **(4) Upon being apprised of any breach of the duty imposed under subsections (1) and (2)**  
21 **of this section, and after taking into account the reason, if any, for the breach and the**  
22 **prejudice, if any, to the other party, the court may grant a continuance, refuse to permit a**  
23 **witness not properly disclosed from testifying, refuse to receive in evidence the material not**  
24 **disclosed, impose costs incurred by the other party as a result of the breach or enter such**  
25 **other order as the court considers appropriate.**

26 **(5) Unless ordered by the court, the defendant shall not disclose to the petitioner any**  
27 **personal identifiers, as defined in ORS 135.815, of the victim.**

28 **(6) Upon the request of either party, the court may enter a protective order as provided**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 **in ORS 135.873.**

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