

SENATE AMENDMENTS TO SENATE BILL 42

By COMMITTEE ON JUDICIARY

March 4

1 In line 2 of the printed bill, after the first semicolon delete the rest of the line and insert “and
2 declaring an emergency.”.

3 Delete lines 4 through 19 and insert:

4 **“SECTION 1. (1) A person described in ORS 138.690 may appeal to the Court of Appeals
5 from a circuit court’s final order or judgment denying or limiting DNA (deoxyribonucleic
6 acid) testing under ORS 138.692, denying appointment of counsel under ORS 138.694 or deny-
7 ing a motion for a new trial under ORS 138.696.**

8 **“(2) The state may appeal to the Court of Appeals from a circuit court’s final order or
9 judgment granting a motion for DNA testing under ORS 138.692 or granting a motion for a
10 new trial under ORS 138.696.**

11 **“(3) The time limits described in ORS 138.071, the notice requirements described in ORS
12 138.081 and 138.090 and the provisions of ORS 138.225, 138.227, 138.240, 138.250, 138.255 and
13 138.261 apply to appeals under this section unless the context requires otherwise.**

14 **“(4) A circuit court shall appoint counsel to represent a person described in ORS 138.690
15 on appeal in the same manner as for criminal defendants under ORS 138.500.**

16 **“SECTION 2. Notwithstanding section 1 (3) of this 2013 Act, if the circuit court has en-
17 tered a final order or judgment described in section 1 (1) or (2) of this 2013 Act before the
18 effective date of this 2013 Act, a party may appeal to the Court of Appeals as provided in
19 section 1 of this 2013 Act not later than 90 days after the effective date of this 2013 Act.**

20 **“SECTION 3. This 2013 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
22 on its passage.”.**

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