

**PROPOSED AMENDMENTS TO  
SENATE BILL 42**

1 In line 2 of the printed bill, after the first semicolon delete the rest of the  
2 line and insert “and 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**  
5 **the Court of Appeals from a circuit court’s final order or judgment**  
6 **denying or limiting DNA (deoxyribonucleic acid) testing under ORS**  
7 **138.692, denying appointment of counsel under ORS 138.694 or denying**  
8 **a motion for a new trial under ORS 138.696.**

9 **“(2) The state may appeal to the Court of Appeals from a circuit**  
10 **court’s final order or judgment granting a motion for DNA testing**  
11 **under ORS 138.692 or granting a motion for a new trial under ORS**  
12 **138.696.**

13 **“(3) The time limits described in ORS 138.071, the notice require-**  
14 **ments described in ORS 138.081 and 138.090 and the provisions of ORS**  
15 **138.225, 138.227, 138.240, 138.250, 138.255 and 138.261 apply to appeals un-**  
16 **der this section unless the context requires otherwise.**

17 **“(4) A circuit court shall appoint counsel to represent a person de-**  
18 **scribed in ORS 138.690 on appeal in the same manner as for criminal**  
19 **defendants under ORS 138.500.**

20 **“SECTION 2. Notwithstanding section 1 (3) of this 2013 Act, if the**  
21 **circuit court has entered a final order or judgment described in section**  
22 **1 (1) or (2) of this 2013 Act before the effective date of this 2013 Act,**

1 a party may appeal to the Court of Appeals as provided in section 1  
2 of this 2013 Act not later than 90 days after the effective date of this  
3 2013 Act.

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

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