



**Testimony of Kimberly McCullough, Legislative Director
In Support of HB 3206 A
Senate Committee on Judiciary
June 1, 2015**

Chair Prozanski and Members of the Committee:

The ACLU of Oregon enthusiastically supports HB 3206 A, which is a much needed improvement to Oregon's post-conviction DNA testing statute. HB 3206 A will better enable justice for the wrongfully convicted, victims, and the people of Oregon.

Oregon's post-conviction DNA testing statute was originally passed in 2001 with the support of the ACLU of Oregon. At that time, arguments were made that the law would open up the door for abuse of the system and an impossible number of requests for testing. To accommodate that concern, the law was structured to allow testing in an *extremely limited* set of circumstances. The law was also passed with a four-year sunset to allow legislative review before its reauthorization.

By 2005, not even a single convicted person had been able to use the statute to obtain DNA testing. ACLU of Oregon again supported legislation to reenact the post-conviction DNA testing statute. In order to improve the bill, amendments were included to allow testing even when an individual had pled guilty. This was not allowed under the original bill's limitations, despite substantial evidence that many innocent people do in fact plead guilty. Again, arguments were made that the law would be abused and would cause a flood of litigation. To address these concerns, another two-year sunset was added to the bill in order to alleviate these concerns.

In 2007, because it was clear that evidence of abuse had not surfaced, the statute was reenacted, this time without a sunset. The rest of the bill, including the significant limitations on when testing could be obtained, remained unchanged.

Now, in 2015, it is abundantly clear that not only has abuse of the statute not occurred, but the bill's limitations are so restrictive that the statute is nearly impossible to use. To our knowledge, only one request for DNA testing has been granted since the law was originally enacted 14 years ago. Justice for the wrongfully convicted should not be so difficult to obtain.

This legislature is now faced with an incredible opportunity to fix our post-conviction DNA testing statute. Do not be fooled by arguments that these improvements will give rise to abuse. Similar statutes have been enacted in many other states, and the truth is they do not create a flood of litigation. And much more importantly, they provide justice where justice has failed.

Thank you for the opportunity to provide testimony in support of HB 3206 A. Please feel free to contact me with any questions, comments or concerns.