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RE: Senate Bill 321

Chair Williamson and members of the committee:

For the record my name is Carla Piluso, and I proudly represent House District 50, the great city of Gresham.

I am here in support of Senate Bill 321, which will make DNA evidence testing more accessible to the wrongly convicted. I spent thirty years in law enforcement, and I know that there are occasional mistakes in the workings of our criminal justice system. It pains me—and it should pain all of us—to think that there are currently people in Oregon prisons who do not belong there.

Post-conviction DNA testing is an essential tool for righting these wrongs. It allows people already in prison to test evidence that was overlooked or misinterpreted during their trial.

But our system here in Oregon denies many people access to this tool. Under our state's current standard, it is extremely difficult for the wrongly convicted to successfully petition for testing, putting up a serious roadblock on the path to exoneration.

Back in February, this committee heard testimony on this issue from Michael Morton, who was exonerated after spending nearly 25 years in prison in Texas for the murder of his wife. It took him twenty-five years for him to get access to the evidence and DNA testing necessary to prove his innocence. It is disturbing to think that an innocent man had a quarter-century taken away from him. But what is more disturbing is that if Mr. Morton had been in Oregon, he probably would not have had access to testing at all. Since the advent of DNA technology, Oregon has never seen someone exonerated due to DNA testing.

Senate Bill 321 is a pragmatic fix to Oregon's standard for post-conviction testing. The bill puts in place a "reasonable probability" standard for judges to grant testing, and it streamlines the process for petitioners.

As you will hear, the advocates who have come together around this issue have worked hard to ensure that this policy is not burdensome for either defendants or law enforcement. They worked diligently with the full range of stakeholders—the courts, the DOJ, the DAs, defense attorneys, police and sheriffs, the crime lab, and crime victims—to get to a place where all were neutral or in support.

Senate Bill 321 passed out of the Senate unanimously. It has the chance to change lives. I urge you to support this bill.

Sincerely,

Carla C. Piluso  
Oregon State Representative, House District 50