

10/29/21 Draft Ramos retroactivity bill language
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1. Notwithstanding ORS 138.510(3), ORS 138.550(1), ORS 138.550(2), or ORS 138.550(3), a person convicted of a criminal offense or adjudicated as guilty except insanity by a non-unanimous jury verdict shall be granted post-conviction relief pursuant to ORS 138.510-138.680 if:
 - a. Person is currently serving a sentence for one or more convictions or time under the jurisdiction of Psychiatric Security Review Board (PSRB) due to one or more guilty except insanity adjudications rendered by a non-unanimous jury verdict:
 - i. Upon meeting the requirements of (1)(a), the conviction/s or guilty except insanity adjudication/s shall be vacated; and
 - ii. If a prosecutor chooses to retry the original charge/s (or similar charge/s for the same underlying event) the vacated conviction/s or guilty except for insanity adjudication/s were based upon, and the person is newly convicted, the resulting sentence or time under jurisdiction by the PSRB shall not exceed the remaining sentence from the conviction that was vacated or the remaining time under the PSRB jurisdiction from the adjudication that was vacated, including but not limited to incarceration, probation, post-prison supervision, and monetary obligations.
 - b. Person has completed their sentence for one or more convictions or time under the jurisdiction of Psychiatric Security Review Board (PSRB) due to one or more guilty except insanity adjudications rendered by a non-unanimous jury verdict:
 - i. Upon meeting the requirements (1)(b), the conviction/s or guilty except insanity adjudication/s shall be vacated; and
 - ii. If a prosecutor chooses to retry the original charge/s (or similar charge/s for the same underlying event) the vacated conviction/s or guilty except for insanity adjudication/s were based upon, and the person is newly convicted, the resulting sentence or time under jurisdiction by the PSRB shall not exceed the sentence that was already served, including but not limited to incarceration, probation, post-prison supervision, and monetary obligations.
2. Proof that a conviction or guilty except for insanity adjudication was rendered by a non-unanimous jury verdict must be shown upon a preponderance of the evidence. Such evidence may include, but is not limited to:
 - a. Court transcripts or portions thereof;
 - b. Court or case records; or
 - c. Contemporaneous recordings.
3. Notwithstanding ORS 138.510(3), ORS 138.550(1), ORS 138.550(2), or ORS 138.550(3), a petition alleging a ground for relief challenging a criminal conviction or guilty except insanity adjudication on the basis that it was rendered by a non-unanimous jury verdict shall not preclude a person from bringing other concurrent or subsequent claims for post-conviction relief alleging other grounds for relief regarding any criminal conviction or guilty except insanity adjudication.
4. This claim must be filed within one year from the [effective date of legislation].

5. Original victims of the underlying vacated case/s under 1(a)-(b) shall continue to be eligible for victim services following the vacation of the non-unanimous jury conviction/s or guilty except for insanity adjudication/s.

6. DO 90 DAY CLAUSE etc?