

SB 499 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 04/13/21
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-2-1-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 2 - Linthicum, Thatcher
Exc: 1 - Heard
Fiscal: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Amie Fender-Sosa, Counsel
Meeting Dates: 3/3, 4/13

WHAT THE MEASURE DOES:

Allows a person to bring a claim against the state for wrongful conviction if certain criteria are met. Allows for recovery of damages of \$65,000 per year of imprisonment and not less than \$25,000 for each additional year served on parole or post-prison supervision or each year the claimant was required to register as a sex offender, whichever is greater (amounts to be adjusted for inflation annually). Disqualifies claimant for damages for any period of incarceration during which the claimant was serving a concurrent sentence for another crime for which the person was lawfully incarcerated. Provides for a structured annuity payment, unless the court finds that it is in the best interests of the claimant to award a lump sum. Awards to the claimant reasonable attorney fees. Permits the court to award other relief sought in the complaint, such as access to existing state, local, or other programs. If the claimant prevails, requires the court to issue a judgment which may include a certificate of innocence and order related records set aside and sealed. Clarifies that any party to the proceeding may appeal a judgment. Exempts the claim from the Tort Claims Act. Creates a two-year statute of limitations from the date of the dismissal of the charges or finding of not guilty on retrial or the grant of pardon. Creates a statute of limitations of two years from the effective date of the measure for those who meet the requirements before the effective date of the measure.

ISSUES DISCUSSED:

- Lack of recourse for those who are wrongfully convicted
- Collateral damages of being wrongfully convicted
- Relying on the kindness of others once released from custody and difficulties of reintegrating into society
- Exoneration alone insufficient to make up for what is lost
- Suggestion for an independent Innocence Commission

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Thirty-five states, the federal government, and Washington D.C. allow for compensation for those who have been wrongfully convicted. According to the National Registry of Exonerations, since 1989 there have been 21 exonerees in Oregon.

Senate Bill 499 A allows a person to recover compensation if convicted of a felony and imprisoned, and later the conviction is reversed or vacated, or the person receives a grant of pardon on the grounds of innocence if the person did not commit the crime, was not an accessory or accomplice to the crime, and did not commit perjury (a

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false guilty plea or admission does not constitute perjury).