

## Legislative Fiscal Office

Oregon State Capitol  
900 Court Street NE, H-178  
Salem, OR 97301  
503-986-1828



## Joint Committee on Ways and Means

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Rep. Tawna Sanchez, House Co-Chair

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Amanda Beitel, Legislative Fiscal Officer  
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Paul Siebert, Deputy Legislative Fiscal Officer (Audit/IT)

**To:** Public Safety Subcommittee

**From:** John Borden, Legislative Fiscal Office

**Date:** February 23, 2022

**Subject:** SB 1584 – Relating to wrongful conviction  
Work Session Recommendations

SB 1584 establishes a procedure for a person meeting all criteria to file a claim against the State of Oregon to receive compensation at a statutorily set rate for every year spent in prison for wrongful conviction. To prevail under this new procedure, the person must prove by a preponderance of the evidence, that they did not commit the crime. For successful petitioners, the court shall award damages in the amount of \$65,000 for each year of imprisonment and \$25,000 for the greater of each year served on parole or post-prison supervision or each additional year the petitioner was required to be registered as a sex offender. Attorney fees, court costs, restitution paid, and other costs associated with the wrongful conviction are allowed as part of a compensatory award. Punitive damages may not be awarded. Compensation awards are not subject to taxation. The measure declares an emergency and is effective on passage.

The measure has a fiscal impact and a No Revenue Impact Statement has been issued.

### **Recommended Changes**

LFO recommends adoption of two amendments to the measure:

- -A2 amendment makes a technical change to reflect consistent terminology by replacing the word “claimant” with “petitioner” in one line of the measure.
- -A3 amendment provides \$797,077 Other Funds expenditure limitation for the Department to Justice and \$973,638 General Fund to the Department of Administrative Services for state legal costs, and \$4 million General Fund to DAS for court-awarded compensation and the reimbursement of reasonable attorney’s fees.

### **Final Subcommittee Action**

LFO recommends that SB 1584, as amended by the -A2 amendment and -A3 amendment, to be moved to the Ways and Means Full Committee.

**Carriers**

Full Committee: \_\_\_\_\_

House Floor: \_\_\_\_\_

Senate Floor: \_\_\_\_\_