

## **SUBCOMMITTEE RECOMMENDATION**

### **SB 1584**

#### **Relating to wrongful conviction**

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To:           Ways and Means Full Committee  
From:        Public Safety Subcommittee  
Carrier:      Senator Hansell

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SB 1584 creates a procedure for filing a petition for compensation for wrongful conviction and establishes criteria to file a claim against the State of Oregon. To prevail under this new procedure, the person must prove by a preponderance of the evidence, that they did not commit the crime.

If the petitioner proves the elements of wrongful conviction, the measure establishes the compensation rate for awarding damages as \$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. Compensation awards are not subject to taxation.

The measure includes \$797,077 Other Funds expenditure limitation for the Department to Justice to defend the state and \$5 million General Fund to the Department of Administrative Services for state legal costs and court-awarded compensation.

The measure declares an emergency and is effective on passage.

The Public Safety Subcommittee recommends SB 1584 be amended by the –A4 amendment and be reported out do pass, as amended.