



**Testimony in support of SB 1511  
from the Criminal Justice Study Group of Multnomah County Democrats Platform Committee**

We, the Criminal Justice Study Group of the Multnomah County Democratic Party, submit this testimony to urge the Oregon Legislature to pass SB1511, to aid people convicted of felonies by a nonunanimous verdict. Such verdicts were rendered unConstitutional by the U.S. Supreme Court, but that Court declined to make the decision retroactive to previous settled decisions, leaving it to Louisiana and Oregon, the only two states that had permitted nonunanimous convictions for felonies, to decide how they would deal with the matter.

The Multnomah Democrats' 2022 Platform calls for the following:

*Plank #18. Given the 2020 US Supreme Court ruling that all felony trials nationwide require a unanimous verdict to convict, Oregon should retroactively apply this ruling to all previous 11-1 or 10-2 convictions upon the request of the defendant.*

*Legislative Action Item #9. The State Legislature should ensure that the US Supreme Court Ramos decision regarding non-unanimous juries can be applied retroactively to all cases where the non-unanimous jury instruction was given at trial.*

The Criminal Justice Study Group would have preferred more direct action by the Attorney General or the Oregon Supreme Court in this matter, but as these have not been forthcoming, we have looked at the legislation proposed in SB1511.

We advocate passage of this legislation following the advice of the Lewis and Clark School of Law Criminal Justice Reform Clinic, and in particular its Ramos Project, headed by Professor Aliza Kaplan. They have been actively engaged in helping people unConstitutionally convicted by nonunanimous juries obtain legal advice enabling them to choose whether to seek relief from their convictions through ORS 138.510 to 138.610, as well as ORS 137.370. The Ramos Project, the leader in Oregon of this effort, believes that SB1511 is needed to enable it to successfully get as many such convictions overturned as possible, and this, we believe, makes the effort worthy of our support.

However, we do have reservations having nothing to do with the intent of the proposed legislation, but rather with the overly-complicated legal procedures that impose too many burdens on those persons who choose to learn whether their convictions should be overturned on the basis of the 2020 *Ramos* decision made retroactive in this Act. Oregon is at fault for allowing non-unanimous verdicts, with their racist origins, to continue until the 2020 *Ramos* decision. Therefore we recommend that this bill be amended to clearly declare that the State of Oregon should be responsible for funding any costs that are needed to determine whether any verdict is unconstitutional on this basis and for defense costs if a retrial is called for by prosecutors.