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### M E M O R A N D U M

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**TO:** Honorable Sen. Prozanski, Chair

**FROM:** Aaron Knott, MCDA Policy Director

**SUBJECT:** Testimony in support of SB 1584

**DATE:** 2/8/22

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**Oregon is an outlier when it comes to compensating the wrongly convicted.** In recent years, Idaho and Montana have joined Washington, California and a total of 36 of our sister states in providing that a person who is wrongfully imprisoned should be compensated for their incarceration. Oregon remains the only state among our immediate neighbors not to implement this form of relief. Senate Bill 1584 brings Oregon into alignment with the majority of states by allowing a wrongfully imprisoned person to obtain financial relief commensurate with the period of incarceration.

It is crucially important to note that the individuals who would be eligible to obtain relief under SB 1584 are actually innocent of the crime of conviction, as determined by a judge or the Governor. This would not apply because of the ineffective assistance of counsel, a technical legal violation or the presence of previously unknown evidence or mitigation – the relief requires actual innocence. The bill is carefully written to include procedural safeguards by requiring the Department of Justice to litigate all cases, which will promote consistency and fairness of application.

District Attorneys strive to pursue justice in all criminal convictions, and we do our utmost to avoid the conviction and incarceration of any person not factually guilty of the charged crime. But Oregon, like every other state, has seen the exoneration of convicted individuals later found to be innocent. These cases are exceptionally rare, but the harm inflicted on a person wrongfully incarcerated is severe. SB 1584 cannot return the time lost or make the wrongfully incarcerated person whole again, but it represents a positive step that can be taken in recognizing the harm inflicted. MCDA urges the passage of SB 1584.

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