

**TESTIMONY ON SENATE BILL 554
BEFORE THE SENATE COMMITTEE ON JUDICIARY
FEBRUARY 6, 2023**

**PRESENTED BY: KAITI FERGUSON, OFFICE OF LEGISLATIVE AFFAIRS
OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee:

My name is Kaiti Ferguson, Senior Staff Counsel at the Oregon Judicial Department (OJD). OJD is neutral on SB 554 and on the proposed -1 amendment. My testimony is submitted only to provide observations as to how the implementation of this bill may affect the Oregon courts that handle post-conviction relief (PCR) cases. I would also like to acknowledge the efforts and aims of the proponents of this bill, which is to create an avenue for providing just outcomes for persons who have been convicted of crime(s) based on forensic scientific evidence that has since been discredited or invalidated. As outlined in its Strategic Campaign, OJD generally supports efforts to remove barriers and improve access to justice.

SB 554 and the proposed -1 amendment would allow any person, at any time after entry of the judgment of conviction, the opportunity to file a petition for PCR based on currently available forensic scientific evidence that undermines the forensic scientific evidence presented in the proceedings resulting in the petitioner's conviction.

While OJD understands the goals of the proponents, from an implementation standpoint, it is difficult to assess how many people would qualify and make use of this new process, making it challenging for OJD to evaluate to what extent it could process these new cases. For example, as of January 2023, there were approximately 500 active pending and 322 stayed post-conviction relief cases in Oregon, which is an increase from historic counts as displayed below. In addition, by statute, post-conviction cases typically occur in the county in which the petitioner is incarcerated, which means a small number of counties will likely handle the vast majority of PCR cases. Because SB 554 does not limit petitions to currently incarcerated individuals, OJD anticipates seeing an increase in filings in other counties as well. However, without information on the anticipated number of immediate petitioners, it is difficult to anticipate to what degree OJD can utilize its existing resources to address a petitioner's claims in a timely manner.

If, as suggested in the public hearing on this bill, a workgroup is convened to discuss SB 554 and the -1 amendment, OJD would welcome the opportunity to participate and provide members with data on current caseloads, offer technical and operational insights as to OJD processes, and work with you on any additional amendments that might be forthcoming.

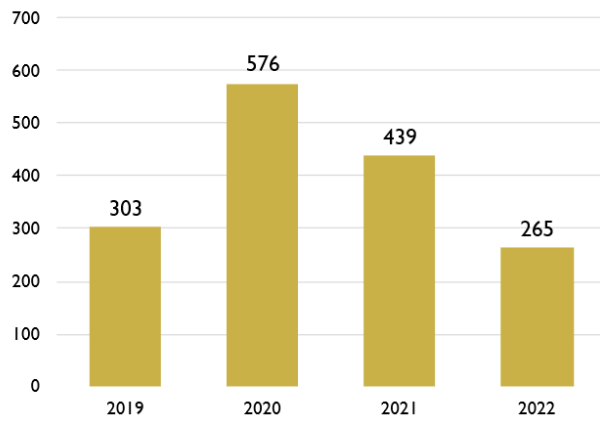
Thank you for your time.

Post-Conviction Relief Filings and Pending Petitions from 2019-2022

Post-Conviction Relief Filings

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Post-Conviction Relief Petitions



Post-Conviction Relief Petitions Pending

