



The Multnomah Democrats' Criminal Justice Study Group is asking the Senate Judiciary Committee to oppose SB 321.

As you know, non-unanimous jury felony convictions were ruled unconstitutional by the US Supreme Court in 2020, and then in 2022 the Oregon Supreme Court ruled that it could be applied retroactively to those who did not have a current open case.

Oregon's unconstitutional discriminatory non-unanimous jury system was in place since 1934. Whether a person convicted by it is still in prison or already served their sentence, they are now able to file to vacate the sentence, provided it is known that it was a non-unanimous decision. This bill deals only with people currently incarcerated under these convictions.

We have two reasons for opposing SB 321.

1. **The bill limits filing to one year.** There is no rationale for this. People would certainly want to file as soon as possible, but some may encounter problems or not get timely help with the process or may not even realize they are eligible. It is wrong to limit the time to correct an injustice that was in place in Oregon since 1934.
2. **The bill excludes a crime category,** an offense against a person under 18 years old. But the result of a "hung jury" is always the same, no matter how serious the criminal accusation is: The prosecution did not prove their case to 12 people, so it is vacated, and the prosecutor can then choose to retry it.

From all appearances, SB 321 is an attempt to reverse portions of the Ramos decision and Oregon's retroactive application of it. This bill is unacceptable. We urge you to vote no.