

LC 97  
2026 Regular Session  
1/12/26 (JLM/ps)

# D R A F T

## SUMMARY

Digest: The Act changes the law about compensation for wrongful convictions and makes a new PCR process when a conviction is based on some discredited science. The Act goes into effect when the Governor signs it. (Flesch Readability Score: 60.9).

Modifies provisions relating to petitions for compensation for wrongful conviction.

Creates a new post-conviction relief petition process when a person has a conviction that is based on expert testimony, expert evidence or expert opinion derived from specified discredited forensic science disciplines.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1 Relating to wrongful convictions; creating new provisions; amending ORS  
2 30.657, 30.659 and 138.510; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5

## COMPENSATION FOR WRONGFUL CONVICTION

7

8 **SECTION 1.** ORS 30.657 is amended to read:

9 **30.657. (1) The Legislative Assembly finds and declares that individ-**  
10 **uals who have been wrongly convicted of crimes and imprisoned in this**  
11 **state have been unable to obtain legal redress due to a number of**  
12 **substantive and technical obstacles in the law and that these individ-**  
13 **uals should have a timely avenue to obtain compensation and a finding**  
14 **of innocence following a wrongful conviction.**

15 **[(1)] (2)** A person may petition for compensation for wrongful conviction

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 against the state if all of the following requirements are satisfied:

2       (a) The person was convicted of one or more felonies and subsequently  
3 imprisoned as a result of the conviction or convictions;

4       (b)(A) The person's conviction was reversed or vacated and either the  
5 charges were dismissed or on retrial the person was found not guilty; or  
6       (B) The person received a grant of gubernatorial pardon;

7       (c) The person did not commit the crime or crimes for which the person  
8 was convicted and was not an accessory or accomplice to or otherwise in-  
9 volved in the acts that were the basis of the conviction **or any other con-**  
10 **viction in the same criminal episode**; and

11       (d) The person did not commit perjury, fabricate evidence or by the  
12 person's own conduct cause or bring about the conviction. A confession or  
13 admission later found to be false or a guilty plea does not constitute com-  
14 mitting perjury, fabricating evidence or causing or bringing about the con-  
15 viction under this paragraph.

16       [(2)] **(3)** For the purposes of subsection [(1)] **(2)** of this section:

17       (a) Reversal or vacation of a conviction because the conviction was ob-  
18 tained following a finding of guilt by a nonunanimous jury is not sufficient  
19 to prove that the person did not commit the crime or crimes for which the  
20 person was convicted.

21       (b) "Convicted" or "conviction" includes an adjudication of a person  
22 within the jurisdiction of the juvenile court under ORS 419C.005 for an act  
23 committed when the person was under 18 years of age if the adjudication  
24 resulted in the person's placement in custody of the Oregon Youth Authority  
25 or the Department of Corrections for at least one year.

26       **(c) The following are sufficient to prove that the person did not**  
27 **commit the crime or crimes for which the person was convicted:**

28       **(A) A gubernatorial pardon with a written statement consistent**  
29 **with innocence; or**

30       **(B) A prior court's finding that in light of all of the evidence, both**  
31 **old and new, no reasonable juror would have voted to find the person**

1 **guilty beyond a reasonable doubt.**

2 **(d) The means described in paragraph (c) of this subsection are not**  
3 **the exclusive means by which a person may prove that they did not**  
4 **commit the crime or crimes for which the person was convicted, and**  
5 **nothing in paragraph (c) of this subsection limits or affects any other**  
6 **means by which a person may prove that the person did not commit**  
7 **the crime or crimes for which the person was convicted.**

8 **[(3)] (4)** A person may file a petition for compensation under this section  
9 in the Circuit Court for Marion County or in the circuit court for the county  
10 of conviction. The petitioner shall serve the petition on the Attorney Gen-  
11 eral, who shall represent the state in all proceedings on the petition. The  
12 petitioner shall also mail a copy of the complaint to the District Attorney  
13 of the county of conviction.

14 **[(4)(a)] (5)(a)** A petition under this section is a civil action. The Oregon  
15 Rules of Civil Procedure and the Oregon Evidence Code apply to a petition  
16 under this section unless otherwise specified in this section.

17 **(b)** The court, in exercising its discretion regarding the weight and  
18 admissibility of evidence submitted under this section, may in the interest  
19 of justice give due consideration to difficulties of proof caused by the passage  
20 of time, the death or unavailability of witnesses, the destruction of evidence  
21 or other factors not caused by a petitioner or those acting on a petitioner's  
22 behalf. The court may not diminish the petitioner's burden of proof as set  
23 forth in subsection **[(5)(a)] (7)(a)** of this section.

24 **(c)** The *[fact finder]* **court** in a proceeding under this section may receive  
25 proof by declarations, depositions, oral testimony or other competent evi-  
26 dence **from any proceeding arising out of the facts or events that re-**  
27 **sulted in the petitioner's conviction, or arising out of the conviction**  
28 **itself**, including but not limited to transcripts of testimony or documents and  
29 evidence filed with the court *[in any proceeding that gave rise to the con-*  
30 *viction, reversal or vacation of the conviction, or from retrial following*  
31 *reversal].*

1       **(6)(a) Notwithstanding subsection (5) of this section, a petitioner**  
2       **may not compel a victim, as defined in ORS 131.007, to testify by de-**  
3       **position, at trial or otherwise unless the petitioner obtains an order**  
4       **of the court allowing a subpoena.**

5       **(b) The court may not grant an order allowing a subpoena under**  
6       **this subsection unless the petitioner demonstrates that the victim's**  
7       **testimony is relevant to the issues raised in the petition filed under**  
8       **this section.**

9       **(c) If the court grants an order allowing a subpoena under this**  
10       **subsection, upon a request by the victim for no personal contact be-**  
11       **tween the parties, the court may allow the victim to appear by si-**  
12       **multaneous electronic transmission, including telephone, television or**  
13       **any other form of electronic communication transmission that allows**  
14       **the attorneys and the victim to communicate with each other during**  
15       **the deposition.**

16       **(d) If the petitioner or an agent of the petitioner contacts a victim,**  
17       **the petitioner or agent shall provide notice to the victim, either in**  
18       **person or in writing:**

19       **(A) Of the identity and capacity of the person contacting the victim;**  
20       **(B) That the victim is not required to speak to the petitioner's at-**  
21       **torney or other agents of the petitioner, or provide other information,**  
22       **unless the victim wishes or if subpoenaed as provided for in this sub-**  
23       **section; and**

24       **(C) That the victim may have an assistant attorney general or other**  
25       **attorney or advocate present during any interview or other contact.**

26       **[(5)(a)] (7)(a) If a petitioner proves the elements of subsection [(1)] (2) of**  
27       **this section by a preponderance of the evidence, the court shall enter a**  
28       **judgment awarding damages as follows:**

29       **(A) Except as provided in paragraph (b) of this subsection, \$65,000 for**  
30       **each year of imprisonment, as adjusted under subsection [(8)] (10) of this**  
31       **section; and**

1       (B) \$25,000, as adjusted under subsection [(8)] **(10)** of this section, for each  
2 additional year served on parole or post-prison supervision or each additional  
3 year the petitioner was required to register as a sex offender, whichever is  
4 greater.

5       (b) A petitioner is not entitled to damages for any period of incarceration  
6 during which the petitioner was concurrently serving a sentence for a con-  
7 viction of another crime for which the petitioner was lawfully incarcerated.

8       (c) Punitive damages may not be awarded under this section.

9       [(6)(a)] **(8)(a)** Except as provided in paragraph (b) of this subsection, the  
10 court shall order that an award under subsection [(5)] **(7)** of this section be  
11 paid as a combination of an initial payment not to exceed \$100,000 or 25  
12 percent of the award, whichever is greater, and the remainder as an annuity  
13 not to exceed \$80,000 per year. The petitioner shall designate a beneficiary  
14 or beneficiaries for the annuity.

15       (b) The court may order that the award be paid in one lump sum if the  
16 court finds that it is in the best interests of the petitioner.

17       [(7)] **(9)** In addition to the damages awarded under subsection [(5)] **(7)** of  
18 this section, the court:

19       (a) Shall award to the petitioner reasonable attorney fees and costs in-  
20 curred in *[connection with a petition]* **an action** filed under this section;

21       (b) Shall award to the petitioner reimbursement for all restitution, as-  
22 sessments, fees, court costs and all other sums paid by the petitioner as re-  
23 quired by pretrial orders, incarceration, and the judgment and sentence in  
24 any proceeding that gave rise to the conviction, reversal or vacation of the  
25 conviction, or from retrial following reversal; and

26       (c) May award to the petitioner access to existing state, local or other  
27 programs that provide services, including, but not limited to, counseling,  
28 housing assistance, eligibility for medical assistance as defined in ORS  
29 414.025, educational assistance, job training, legal services to regain custody  
30 of children, assistance with food and transportation and personal financial  
31 literacy assistance, as appropriate.

1 [ (8) ] (10) Beginning in 2023, and every year thereafter, the State Court  
2 Administrator shall determine the percentage increase or decrease in the  
3 cost of living for the previous calendar year, based on changes in the Con-  
4 sumer Price Index for All Urban Consumers, West Region (All Items), as  
5 published by the Bureau of Labor Statistics of the United States Department  
6 of Labor. On or before July 1 of the year in which the State Court Admin-  
7 istrator makes the determination required by this subsection, the State Court  
8 Administrator shall adjust the amounts prescribed under subsection [(5)] (7)  
9 of this section for the following calendar year by multiplying the amounts  
10 applicable to the calendar year in which the adjustment is made by the per-  
11 centage amount determined under this subsection. The adjustment may not  
12 exceed three percent for any year. The State Court Administrator shall round  
13 the adjusted limitation amount to the nearest \$100, but the unrounded  
14 amount shall be used to calculate the adjustments to the amounts in subse-  
15 quent calendar years. The adjusted amounts become effective on July 1 of the  
16 year in which the adjustment is made, and apply to all petitions filed under  
17 this section on or after July 1 of that year and before July 1 of the subse-  
18 quent year.

19 [(9)(a)] (11)(a) If, on the date a judgment is entered under subsection  
20 [(5)] (7) of this section, the petitioner has won a monetary award against a  
21 public body as defined in ORS 174.109 in a separate civil action related to  
22 the same subject, or has entered into a settlement agreement with a public  
23 body as defined in ORS 174.109 related to the same subject, the amount of  
24 economic damages awarded in the separate action or received in the settle-  
25 ment agreement, less any sums paid to litigate the other civil action or ob-  
26 tain the settlement agreement, including, but not limited to, attorney fees,  
27 costs and expert fees, shall be deducted from the sum of money to which the  
28 petitioner is entitled under this section. **The petitioner shall provide in-**  
29 **formation about other monetary awards to the court.** The court shall  
30 include in the judgment an award to the state of any amount deducted pur-  
31 suant to this subsection.

1       (b) If paragraph (a) of this subsection does not apply and if, after the date  
2 the judgment is entered under subsection [(5)] (7) of this section, the  
3 petitioner wins a monetary award against a public body as defined in ORS  
4 174.109 in a separate civil action related to the same subject, or enters into  
5 a settlement agreement with a public body as defined in ORS 174.109 related  
6 to the same subject, the petitioner shall reimburse the state for the sum of  
7 money paid under the judgment entered under subsection [(5)] (7) of this  
8 section, less any sums paid to litigate the other civil action or obtain the  
9 settlement agreement, including, but not limited to, attorney fees, costs and  
10 expert fees. A reimbursement required under this subsection may not exceed  
11 the amount of the economic damages awarded in the separate civil action  
12 or received in the settlement agreement.

13       (c) An award under this section shall not be offset by any expenses in-  
14 curred by a public body as defined in ORS 174.109 to secure the petitioner's  
15 custody or conviction, or to feed, clothe, house or provide medical services  
16 to the petitioner as a result of the petitioner's incarceration.

17       [(10)] (12) Compensation awarded as a result of a petition for compen-  
18 sation for wrongful conviction under this section is excluded from gross in-  
19 come and is not subject to taxation.

20       [(11)] (13) A petition under this section is not subject to ORS 30.260 to  
21 30.300.

22       [(12)(a) *If the petitioner prevails on a petition under this section, the*  
23 *petitioner may request that judgment include a certificate of innocence finding*  
24 *that the petitioner was innocent of all crimes for which the petitioner was*  
25 *wrongfully convicted.]*

26       **(14)(a) If the court enters a judgment under subsection (7) of this**  
27 **section, the court shall include in the judgment a certificate of inno-**  
28 **cence stating that the petitioner has established by a preponderance**  
29 **of evidence that the petitioner is innocent of all crimes for which the**  
30 **petitioner was wrongfully convicted.**

31       (b) Upon entry of a judgment granting a petition under this section, the

1 court shall order the associated convictions and arrest records be set aside  
2 and sealed from all applicable state and federal systems pursuant to this  
3 subsection. The court shall enter the set aside order regardless of whether  
4 the petitioner has other criminal convictions or pending criminal cases.

5 [(13)] (15) Notwithstanding ORS 12.115, a petition under this section must  
6 be filed no later than two years after:

- 7 (a) The date of dismissal of the criminal charges against the petitioner  
8 or finding of not guilty on retrial, whichever is later; or
- 9 (b) The grant of pardon to the petitioner.

10 [(14)] (16) Any party to a proceeding under this section may appeal from  
11 the judgment of the circuit court on a petition filed under this section by  
12 filing a notice of appeal within the time and in the manner specified in ORS  
13 chapter 19 for civil appeals to the Court of Appeals. Any party filing a notice  
14 of appeal under this subsection must note in the notice of appeal that the  
15 case is subject to this subsection. For purposes of any appeals under this  
16 section, the Attorney General shall represent the state in all appellate pro-  
17 ceedings. The party filing the notice of appeal shall serve the notice of ap-  
18 peal on the Attorney General and on the district attorney for the county of  
19 conviction.

20 [(15)] (17) This section does not preclude the Department of Corrections  
21 from providing reentry services to a petitioner under this section that are  
22 provided to other persons, including, but not limited to, financial assistance,  
23 housing assistance, mentoring and counseling. Services may be provided  
24 while an action is pending and after any judgment is entered, as appropriate  
25 for the petitioner.

26 **SECTION 2. (1) Upon service of a petition filed under ORS 30.657,**  
27 **the Attorney General shall begin a review of the claim for compen-**  
28 **sation. The review must include consideration of any evidence from**  
29 **the petitioner or the district attorney and any newly presented evi-**  
30 **dence that tends to satisfy the requirements of ORS 30.657 (2).**

31 **(2) Within 180 days after the Attorney General receives the petition**

1 filed under ORS 30.657, the underlying district attorney case file from  
2 the county of conviction, all trial, appellate, post-conviction and fed-  
3 eral habeas court records and any newly presented evidence of inno-  
4 cence, the Attorney General shall make a written determination  
5 whether the evidence, including newly presented evidence of inno-  
6 cence, satisfies the requirements of ORS 30.657 (2). If the Attorney  
7 General determines that the requirements are satisfied, the Attorney  
8 General may not oppose the petition and may not oppose entry of  
9 judgment in the petitioner's favor awarding the relief required by ORS  
10 30.657 (7), (8), (9) and (14).

11 (3) The Attorney General shall submit an annual report in the  
12 manner provided in ORS 192.245 to an interim committee of the Leg-  
13 islative Assembly relating to the judiciary. The report must summarize  
14 the determinations made under this section in the preceding year and  
15 include the amount of attorney fees incurred in connection with each  
16 notice and petition filed in the preceding year.

17 **SECTION 3.** ORS 30.659 is amended to read:

18 30.659. (1) A person may not file a petition under ORS 30.657 unless notice  
19 of petition is given as required by this section.

20 (2) Notice of petition shall be given within 180 days after the date on  
21 which the charges were dismissed, the person was found not guilty on retrial  
22 or the person received a grant of pardon. The period of time shall not in-  
23 clude the period, not exceeding 90 days, during which the person is unable  
24 to give notice because of injury or [*because of*] minority, incompetency or  
25 other incapacity.

26 (3) Notice of petition required by this section is satisfied by:

27 (a) Formal notice of petition as provided in subsection (4) of this section;  
28 (b) Filing of a petition under ORS 30.657 by or on behalf of the person  
29 within the applicable period of time provided in subsection (2) of this section;  
30 (c) Notice of claim under ORS 30.275 for any action against a public body,  
31 as defined in ORS 174.109, or any officer, employee or agent of the public

1 body arising out of the facts and circumstances that gave rise to the  
2 wrongful conviction; or

3 (d) Payment of compensation for wrongful conviction by or on behalf of  
4 the state at any time.

5 (4) Formal notice of petition is a written communication from a claimant  
6 or representative of a claimant containing:

7 (a) A statement that a petition for wrongful conviction under ORS 30.657  
8 is or will be filed;

9 (b) The date on which the charges were dismissed, the person was found  
10 not guilty on retrial or the person received a grant of pardon; and

11 (c) The name of the claimant and the mailing address to which corre-  
12 spondence concerning the petition may be sent.

13 (5) Notice is sufficient where the communication is such that a reasonable  
14 person would conclude that a particular person intends to assert a claim  
15 against the state arising out of wrongful conviction.

16 (6) Formal notice of petition shall be given by mail, electronic mail or  
17 personal delivery to the office of the Director of the Oregon Department of  
18 Administrative Services. Service by mail is complete on mailing, and service  
19 by electronic mail is complete on sending.

20 (7) Failure to provide timely notice shall not be a bar to suit if good cause  
21 for the failure is shown. Good cause shall not be unreasonably withheld.

22 (8) At the time of judgment after a person's conviction is reversed or va-  
23 cated, and either the charges are dismissed or on retrial the person is found  
24 not guilty, as described in ORS 30.657 [(1)(b)(A)] (2)(b)(A), the court shall  
25 advise the person of the right to file a notice within 180 days under this  
26 section. If the person is not present, the court shall advise the person in  
27 writing of the right to file a notice within 180 days under this section.

28 **SECTION 4. (1) Section 2 of this 2026 Act applies to petitions filed**  
29 **under ORS 30.657 on or after the effective date of this 2026 Act.**

30 **(2)(a) The amendments to ORS 30.657 and 30.659 by sections 1 and 3**  
31 **of this 2026 Act apply to petitions filed under ORS 30.657 before, on or**

1 after the effective date of this 2026 Act for which a court has not en-  
2 tered a final judgment before the effective date of this 2026 Act.

3 (b) As used in paragraph (a) of this subsection, "final judgment"  
4 means a judgment that is not subject to further appeal or review or  
5 for which the time to file an appeal has expired without a party filing  
6 an appeal.

7

8 **POST-CONVICTION RELIEF BASED ON DISCREDITED FORENSIC  
9 SCIENCE**

10

11 **SECTION 5. Section 6 of this 2026 Act is added to and made a part  
12 of ORS 138.510 to 138.680.**

13 **SECTION 6. (1) A person convicted of a crime may file a petition  
14 for post-conviction relief if the conviction was based in whole or in  
15 part on expert testimony, expert evidence or expert opinion derived  
16 from the application of one or more of the following discredited  
17 forensic science disciplines:**

18 (a) Hair microscopy;  
19 (b) Bite mark analysis or bite mark comparison; or  
20 (c) Comparative bullet lead analysis.

21 (2) Notwithstanding ORS 138.530, in a post-conviction relief pro-  
22 ceeding based on a petition described in this section, the court shall  
23 grant relief if the petitioner proves, by a preponderance of the evi-  
24 dence:

25 (a) That the petitioner was convicted of a crime based substantially  
26 on expert testimony, expert evidence or expert opinion that applied  
27 one or more of the discredited forensic science disciplines described in  
28 subsection (1) of this section; and

29 (b)(A) If the petitioner was convicted at trial, that there is a rea-  
30 sonable probability that had the expert testimony, expert evidence or  
31 expert opinion applying the discredited forensic science discipline not

1 been admitted at trial, the outcome of the trial would have been dif-  
2 ferent; or

3 (B) If the petitioner was convicted after pleading guilty or no con-  
4 test:

5 (i) That the expert testimony, expert evidence or expert opinion  
6 applying one or more of the discredited forensic science disciplines was  
7 known to the petitioner at the time of entering the plea; and

8 (ii) That the expert testimony, expert evidence or expert opinion  
9 was a material factor in the petitioner's decision to plead guilty or no  
10 contest.

11 (3) When making a determination under subsection (2) of this sec-  
12 tion, the court shall follow the procedures described in ORS 138.620.

13 (4) Notwithstanding ORS 138.520, if court finds that the petitioner  
14 has met the requirements of subsection (2) of this section, the court  
15 shall grant the petitioner a new trial on all charges in the case.

16 (5) ORS 138.550 (3) and (4) do not apply to petitions for post-  
17 conviction relief described in this section.

18 (6) A person may file a petition under this section notwithstanding  
19 the fact that:

20 (a) The person did not object to the admission of the expert testi-  
21 mony, expert evidence or expert opinion applying the discredited  
22 forensic science discipline at trial or raise the issue on appeal, unless  
23 the trial occurred on or after the effective date of this 2026 Act;

24 (b) The person pleaded guilty or no contest to the conviction;

25 (c) Before or after the conviction, the person made a confession or  
26 admission; or

27 (d) The person has completed the sentence associated with the  
28 conviction.

29 (7) This section shall be liberally construed to promote justice and  
30 to correct wrongful convictions based on discredited forensic science  
31 disciplines.

1       **(8) As used in this section:**

2       **(a) “Bite mark analysis” means the diagnosis of an injury as a hu-  
3 man bite mark.**

4       **(b)(A) “Bite mark comparison” means the use of dental records and  
5 impressions to compare the bite marks left on a victim or object with  
6 the dentition of a known individual, that involves the subjective  
7 analysis of the characteristics of the bite mark and the dental profile  
8 to form an opinion as to whether the known individual created the bite  
9 mark, and includes all forms of odontological analysis, including the  
10 assessment of shape, size, spacing and alignment of teeth.**

11       **(B) “Bite mark comparison” does not include using dental remains  
12 for identification of a deceased individual or making an identification  
13 based on DNA analysis of any biological material that may be present  
14 within or around a bite mark.**

15       **(c) “Comparative bullet lead analysis” means the forensic exam-  
16 ination of the chemical composition of bullet fragments found at a  
17 crime scene, that is performed to determine if the elemental compo-  
18 sition of the fragments is consistent with that of a bullet or ammu-  
19 tion found in the possession of a suspect, and that is based on the  
20 assumption that a given quantity of lead has a unique chemical sig-  
21 nature.**

22       **(d) “DNA” means deoxyribonucleic acid.**

23       **(e)(A) “Hair microscopy” means the use of a stereo microscope to  
24 analyze the physical characteristics of a hair sample from an unknown  
25 source, including the sample’s color, shaft form, texture, medullary  
26 pattern and scale structure, and to compare the sample with a hair  
27 sample from a known individual, as the basis of expert testimony, ex-  
28 pert evidence or expert opinion applying probabilities to the inclusion  
29 of the known individual as the source of the hair, and is limited to  
30 situations in which:**

31       **(i) The expert stated or implied that the hair sample from the un-**

1 known source could be associated with a specific individual to the ex-  
2 clusion of all other individuals;

3 (ii) The expert assigned to the positive association a statistical  
4 weight or probability, provided a likelihood that the hair sample from  
5 the unknown source originated from a particular individual or was  
6 consistent with a particular individual, or provided an opinion as to  
7 the likelihood or rareness of the positive association that could lead  
8 a fact finder to believe that a valid statistical weight can be assigned  
9 to microscopic hair comparison; or

10 (iii) The expert cited the number of microscopic hair analyses per-  
11 formed by the expert or the expert's laboratory, and the number of  
12 samples from different individuals that could not be distinguished  
13 from one another after analysis, as a predictive value to bolster the  
14 conclusion that a hair sample belongs to a specific individual.

15 (B) "Hair microscopy" does not include any analysis of hair that  
16 involves mitochondrial or nuclear DNA testing.

17 **SECTION 7.** ORS 138.510 is amended to read:

18 138.510. (1) Except as otherwise provided in ORS 138.540, any person  
19 convicted of a crime under the laws of this state may file a petition for  
20 post-conviction relief pursuant to ORS 138.510 to 138.680.

21 (2) A petition for post-conviction relief may be filed by one person on  
22 behalf of another person who has been convicted of aggravated murder and  
23 sentenced to death only if the person filing the petition demonstrates by a  
24 preponderance of the evidence that:

25 (a) The person sentenced to death is unable to file a petition on the  
26 person's own behalf due to mental incapacity or because of a lack of access  
27 to the court; and

28 (b) The person filing the petition has a significant relationship with the  
29 person sentenced to death and will act in the best interest of the person on  
30 whose behalf the petition is being filed.

31 (3) Except as provided in section 6 of this 2026 Act, a petition pursu-

1 ant to ORS 138.510 to 138.680 must be filed within two years of the following,  
2 unless the court on hearing a subsequent petition finds grounds for relief  
3 asserted which could not reasonably have been raised in the original or  
4 amended petition:

5 (a) If no appeal is taken, the date the judgment or order on the conviction  
6 was entered in the register.

7 (b) If an appeal is taken, the date the appeal is final in the Oregon ap-  
8 pellate courts.

9 (c) If a petition for certiorari to the United States Supreme Court is filed,  
10 the later of:

11 (A) The date of denial of certiorari, if the petition is denied; or

12 (B) The date of entry of a final state court judgment following remand  
13 from the United States Supreme Court.

14 (4) **Except as provided in section 6 of this 2026 Act**, a one-year filing  
15 period shall apply retroactively to petitions filed by persons whose con-  
16 victions and appeals became final before August 5, 1989, and any such pe-  
17 titions must be filed within one year after November 4, 1993. A person whose  
18 post-conviction petition was dismissed prior to November 4, 1993, cannot file  
19 another post-conviction petition involving the same case.

20 (5) The remedy created by ORS 138.510 to 138.680 is available to persons  
21 convicted before May 26, 1959.

22 *[(6) In any post-conviction proceeding pending in the courts of this state on  
23 May 26, 1959, the person seeking relief in such proceedings shall be allowed  
24 to amend the action and seek relief under ORS 138.510 to 138.680. If such  
25 person does not choose to amend the action in this manner, the law existing  
26 prior to May 26, 1959, shall govern the case.]*

27 **SECTION 8. Section 6 of this 2026 Act and the amendments to ORS**  
28 **138.510 by section 7 of this 2026 Act apply to:**

29 (1) **Convictions for which direct appeals have not been exhausted**  
30 **on the effective date of this 2026 Act.**

31 (2) **A person who exhausted all direct appeals for a conviction before**

1 the effective date of this 2026 Act who files a petition under section 6  
2 of this 2026 Act no later than two years after the effective date of this  
3 2026 Act.

4

5 **CAPTIONS**

6

7 **SECTION 9.** The unit captions used in this 2026 Act are provided  
8 only for the convenience of the reader and do not become part of the  
9 statutory law of this state or express any legislative intent in the  
10 enactment of this 2026 Act.

11

12 **EMERGENCY CLAUSE**

13

14 **SECTION 10.** This 2026 Act being necessary for the immediate  
15 preservation of the public peace, health and safety, an emergency is  
16 declared to exist, and this 2026 Act takes effect on its passage.

17