



OREGON DEPARTMENT OF JUSTICE

TO: Senate Committee on Judiciary

FROM: Leslie Wu, Policy Advisor to Attorney General Rayfield, Oregon Department of Justice

DATE: 2/27/2025

SUBJECT: Testimony on SB 1007

The Oregon Department of Justice has been actively engaged in providing feedback to the advocates on SB 1007. We acknowledge that the process to provide compensation to wrongly convicted people has been too slow, and often traumatizing for petitioners and their families. Under Attorney General Rayfield's direction, the agency is taking internal steps to improve efficiencies. We have begun making progress on significant case resolutions, including a recent settlement that was otherwise headed for trial. We take seriously the responsibility that we have as an agency to ensure access to justice through the wrongful conviction compensation process.

To that end, we have been working toward collaborative technical amendments to clarify and improve language in SB 1007 so that the agency can implement the changes that the legislature chooses to make, and to improve efficiencies wherever possible. For example, we have suggested language that would clarify the language in Section 1(3)(b) of the bill so that it more clearly states the legal standard from *Schlup v. Delo*, 513 US 298 (1995), in line with the advocates' intent. We have also searched for creative solutions that would streamline the hearing structure under the law to move away from a time-intensive full trial process to an administrative process, in line with some other states' wrongful conviction compensation systems. For example, removing the applicability of some provisions of the Oregon Evidence code because, as the

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Court in *Schlup* noted, an inquiry about actual innocence should “not [be] bound by the rules of admissibility that would govern a trial.” *Schlup*, at 328. We look forward to continuing the conversation with the advocates and the legislature on achieving faster and fairer access to compensation under the statute.

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