

SB 1515 -1, -3, -4 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/4, 2/11, 2/16

WHAT THE MEASURE DOES:

The measure modifies provisions relating to the wrongful conviction compensation process and post-conviction relief based on a finding that persons who have been wrongfully convicted and imprisoned in Oregon have been unable to obtain proper reparations because of substantive and technical issues with the law.

Detailed Summary

Specifies that the petitioner must have not committed the crime at issue, was not an accessory to or accomplice to the crime and not involved in not only acts that were the basis for the conviction, but any conviction in the same criminal episode. States that a gubernatorial pardon based on innocence or a court finding are two ways a person could prove they did not commit the crimes for which they were convicted, but is not an exhaustive list. Specifies that the court is the fact finder, and that a petitioner may not compel a victim to testify unless a court order is obtained and provides guidelines to the court regarding victim subpoenas. Requires the petitioner to inform the court of any monetary awards.

Provides a timeline of 180 days after receiving the petition and evidence for the Attorney General (AG) to determine whether the requirements for the petition are met. If the AG determines the requirements are met, directs the AG to not oppose the petition or judgement. Mandates that the AG shall submit an annual report to the Judiciary Committees summarizing the determinations made regarding wrongful conviction petitions.

States that a person convicted of a crime may file for post-conviction relief if the conviction was based on the following discredited forensic science disciplines: 1) hair microscopy; 2) bite mark analysis or comparison; or 3) comparative bullet lead analysis. Directs the court to grant relief of a new trial, if the petitioner proves certain factors by a preponderance of the evidence.

It declares an emergency, effective on its passage.

ISSUES DISCUSSED:

- Exonerees lose years of their lives, time with their families, their ability to make an income, and their reputations from unlawful imprisonment
- Historically-discredited forensic techniques that are no longer used by the Oregon State Police or the FBI
- Having an avenue to appeal a conviction if one of those discredited techniques were relied on even when other appeals options have been exhausted
- Concerns about science in criminal cases being determined by the legislature and codified

EFFECT OF AMENDMENT:

-1 Removes language around gubernatorial pardons as sufficient to prove a person did not commit a crime for which they were convicted. Changes the definition of comparative bullet analysis. Adds more specificity for the types of evidence that qualifies as a basis for a petition.

-3 Removes language around gubernatorial pardons as sufficient to prove a person did not commit a crime for which they were convicted. Changes the definition of comparative bullet analysis. Adds more specificity for the types of evidence that qualifies as a basis for a petition.

Clarifies one of the requirements for petitioning for compensation for wrongful conviction to require that the applicant was not involved in the acts that were the basis of the conviction or any other conviction of *that same person* in the same criminal episode.

-4 Removes language around gubernatorial pardons as sufficient to prove a person did not commit a crime for which they were convicted. Changes the definition of comparative bullet analysis. Adds more specificity for the types of evidence that qualifies as a basis for a petition.

Clarifies one of the requirements for petitioning for compensation for wrongful conviction to require that the applicant was not involved in the acts that were the basis of the conviction or any other conviction of *that same person* in the same criminal episode.

Sunset the portions on post-conviction relief based on discredited science on January 2, 2031

BACKGROUND:

In 2022, the Legislative Assembly passed state [Senate Bill 1584](#), codified as ORS 30.657 and 30.659, to provide \$65,000 per year in compensation for each year a person was wrongfully imprisoned, upon the person's successful petition by civil action. The law requires the Department of Justice to represent the state's interests in all proceedings, including appeals. The petitioner bears the burden of proof by a preponderance of the evidence to demonstrate criteria, including that the person did not commit the crime or otherwise be involved in the acts that were the basis of the conviction or the same criminal episode. Unlike in a criminal case where the state has the burden of proving that the defendant *did* commit the crime, in a petition for wrongful conviction the petitioner has the burden of providing they *did not* commit the crime. A small number of petitioners have been successful under the 2022 law. In 2025, the Senate Committee on Judiciary heard a related bill, [SB 1007](#).