

SENATE AMENDMENTS TO SENATE BILL 1515

By COMMITTEE ON JUDICIARY

February 19

- 1 On page 1 of the printed bill, line 23, after the second “conviction” insert “of the person”.
- 2 On page 2, delete lines 10 through 14 and insert:
- 3 “(c) A prior court’s finding that in light of all of the evidence, both old and new, no reasonable
4 juror would have voted to find the person guilty beyond a reasonable doubt, is sufficient to prove
5 that the person did not commit the crime or crimes for which the person was convicted.”.
- 6 On page 6, delete lines 40 through 45 and delete page 7.
- 7 On page 8, delete lines 1 through 24 and insert:
- 8 **“SECTION 6. (1) A person convicted of a crime may file a petition for post-conviction
9 relief if the conviction was based in whole or in part on scientific expert testimony, scientific
10 expert evidence or scientific expert opinion derived from the application of one or more of
11 the following discredited forensic science disciplines:**
- 12 **“(a) Hair microscopy;**
- 13 **“(b) Bite mark analysis or bite mark comparison; or**
- 14 **“(c) Comparative bullet lead analysis.**
- 15 **“(2) Notwithstanding ORS 138.530, in a post-conviction relief proceeding based on a peti-
16 tion described in this section, the court shall grant relief if the petitioner proves, by a pre-
17 ponderance of the evidence:**
- 18 **“(a) That the petitioner’s conviction was based substantially on scientific expert testi-
19 mony, scientific expert evidence or scientific expert opinion that applied one or more of the
20 discredited forensic science disciplines described in subsection (1) of this section; and**
- 21 **“(b)(A) If the petitioner was convicted at trial, that there is a reasonable probability that
22 had the scientific expert testimony, scientific expert evidence or scientific expert opinion
23 applying the discredited forensic science discipline not been admitted at trial, the outcome
24 of the trial would have been different; or**
- 25 **“(B) If the petitioner was convicted after pleading guilty or no contest:**
- 26 **“(i) That the scientific expert testimony, scientific expert evidence or scientific expert
27 opinion applying one or more of the discredited forensic science disciplines was known to the
28 petitioner at the time of entering the plea; and**
- 29 **“(ii) That the scientific expert testimony, scientific expert evidence or scientific expert
30 opinion was a material factor in the petitioner’s decision to plead guilty or no contest.**
- 31 **“(3) When making a determination under subsection (2) of this section, the court shall
32 follow the procedures described in ORS 138.620.**
- 33 **“(4) If court finds that the petitioner has met the requirements of subsection (2) of this
34 section, the court shall grant appropriate relief under ORS 138.520.**
- 35 **“(5) ORS 138.550 (3) and (4) do not apply to petitions for post-conviction relief described**

1 in this section.

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

3 “(a) The person did not object to the admission of the scientific expert testimony, scientific expert evidence or scientific expert opinion applying the discredited forensic science discipline at trial or raise the issue on appeal, unless the trial occurred on or after the effective date of this 2026 Act;

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

8 “(c) Before or after the conviction, the person made a confession or admission; or

9 “(d) The person has completed the sentence associated with the conviction.

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

12 “(8) This section may not be construed to permit challenges to convictions for which the forensic scientific evidence introduced at trial was based on objective and validated computational methods that have replaced the subjective visual comparison techniques used in the discredited forensic science disciplines described in subsection (1) of this section.

16 “(9) As used in this section:

17 “(a) ‘Bite mark analysis’ means the diagnosis of an injury as a human bite mark.

18 “(b)(A) ‘Bite mark comparison’ means the use of dental records and impressions to compare the bite marks left on a victim or object with the dentition of a known individual, that involves the subjective analysis of the characteristics of the bite mark and the dental profile to form an opinion as to whether the known individual created the bite mark and uses odontological analysis.

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

26 “(c) ‘Comparative bullet lead analysis’ means the forensic examination of the chemical composition of bullet fragments found at a crime scene, that is performed to determine if the concentration of all seven elements, in addition to lead, in the bullet lead from the crime scene match the concentration of the same seven elements in the bullet lead found in the possession of a suspect, and that is based on the assumption that a given quantity of lead has a unique chemical signature.

32 “(d) ‘DNA’ means deoxyribonucleic acid.

33 “(e)(A) ‘Hair microscopy’ means the use of a microscope to analyze the physical characteristics of a hair sample from an unknown source, including the sample’s color, shaft form, texture, medullary pattern and scale structure, and to compare the sample with a hair sample from a known individual, as the basis of scientific expert testimony, scientific expert evidence or scientific expert opinion by applying probabilities to the inclusion of the known individual as the source of the hair, and is limited to situations in which:

39 “(i) The expert stated or implied that the hair sample from the unknown source could be associated with a specific individual to the exclusion of all other individuals;

41 “(ii) The expert assigned to the positive association a statistical weight or probability, provided a likelihood that the hair sample from the unknown source originated from a particular source, or provided an opinion as to the likelihood or rareness of the positive association that could lead a fact finder to believe that a valid statistical weight can be assigned to microscopic hair comparison; or

1 “(iii) The expert cited the number of microscopic hair comparisons performed by the
2 expert or the expert’s laboratory, and the number of samples from different individuals that
3 could not be distinguished from one another after analysis, as a predictive value to bolster
4 the conclusion that a hair sample belongs to a specific individual.

5 “(B) ‘Hair microscopy’ does not include any analysis of hair that involves mitochondrial
6 or nuclear DNA testing.

7 “(f) ‘Odontological analysis’ includes the assessment of the shape, size, spacing and
8 alignment of teeth.”.

9 On page 9, after line 19, insert:

10 “**SECTION 9.** ORS 138.510, as amended by section 7 of this 2026 Act, is amended to read:

11 “138.510. (1) Except as otherwise provided in ORS 138.540, any person convicted of a crime un-
12 der the laws of this state may file a petition for post-conviction relief pursuant to ORS 138.510 to
13 138.680.

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

17 “(a) The person sentenced to death is unable to file a petition on the person’s own behalf due
18 to mental incapacity or because of a lack of access to the court; and

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

21 “(3) [*Except as provided in section 6 of this 2026 Act,*] A petition pursuant to ORS 138.510 to
22 138.680 must be filed within two years of the following, unless the court on hearing a subsequent
23 petition finds grounds for relief asserted which could not reasonably have been raised in the original
24 or amended petition:

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

27 “(b) If an appeal is taken, the date the appeal is final in the Oregon appellate courts.

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

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

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

32 “(4) [*Except as provided in section 6 of this 2026 Act,*] A one-year filing period shall apply
33 retroactively to petitions filed by persons whose convictions and appeals became final before August
34 5, 1989, and any such petitions must be filed within one year after November 4, 1993. A person
35 whose post-conviction petition was dismissed prior to November 4, 1993, cannot file another post-
36 conviction petition involving the same case.

37 “(5) The remedy created by ORS 138.510 to 138.680 is available to persons convicted before May
38 26, 1959.

39 “**SECTION 10.** The amendments to ORS 138.510 by section 9 of this 2026 Act become op-
40 erative on January 2, 2031.

41 “**SECTION 11.** (1) Sections 5, 6 and 8 of this 2026 Act are repealed on January 2, 2031.

42 “(2) The repeal of sections 5, 6 and 8 of this 2026 Act does not affect a petition for post-
43 conviction relief described in section 6 of this 2026 Act, filed within the time limitations de-
44 scribed in section 8 of this 2026 Act, for which final judgment has not been entered.”.

45 In line 23, delete “9” and insert “12”.

1 In line 29, delete "10" and insert "13".

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