

SB 554 -3 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/6, 4/3

WHAT THE MEASURE DOES:

Establishes process by which a person may seek post-conviction relief at any time after conviction based on currently available relevant forensic scientific evidence or evidence that undermines forensic scientific evidence presented in the proceedings resulting in the petitioner’s conviction. Defines forensic scientific evidence.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 Replaces the measure. Establishes process by which a person may seek post-conviction relief at any time after conviction based on currently available relevant forensic scientific evidence or evidence which undermines forensic scientific evidence presented in the proceedings resulting in the petitioner’s conviction if it is established that the evidence was not ascertainable through the exercise of reasonable diligence on or before a specific date. Establishes guideline to determine when scientific forensic evidence is considered undermined. Limits liability for an expert who repudiates the expert’s original opinion provided at a hearing or trial, or whose opinion has been undermined by later scientific research or technological advancements. Defines relevant terms including forensic scientific evidence.

BACKGROUND:

Oregon law provides that any person convicted of a crime under the laws of this state may file a petition for post-conviction relief. A petition generally must be filed within two years of the following, unless the court on hearing a subsequent petition finds grounds for relief asserted which could not reasonably have been raised in the original or amended petition: If no appeal is taken, the date the judgment or order on the conviction was entered in the register; If an appeal is taken, the date the appeal is final in the Oregon appellate courts; If a petition for certiorari to the United States Supreme Court is filed, the later of: (A) The date of denial of certiorari, if the petition is denied; or (B) The date of entry of a final state court judgment following remand from the United States Supreme Court.

Senate Bill 554 would provide a process by which a person may seek post-conviction relief at any time after conviction based on currently available relevant forensic scientific evidence or undermines forensic scientific evidence presented in the proceedings resulting in the petitioner’s conviction.