

**A-Engrossed**  
**Senate Bill 42**

Ordered by the Senate March 4  
Including Senate Amendments dated March 4

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Modifies time period within which motion for new trial must be filed following receipt of exculpatory DNA test results.]*

**Creates process for appeal from circuit court's granting or denying DNA test, granting or denying motion for new trial and denying appointment of counsel. Allows appeal of court orders entered prior to effective date.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

Relating to DNA testing; and declaring an emergency.

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

**SECTION 1. (1) A person described in ORS 138.690 may appeal to the Court of Appeals from a circuit court's final order or judgment denying or limiting DNA (deoxyribonucleic acid) testing under ORS 138.692, denying appointment of counsel under ORS 138.694 or denying a motion for a new trial under ORS 138.696.**

**(2) The state may appeal to the Court of Appeals from a circuit court's final order or judgment granting a motion for DNA testing under ORS 138.692 or granting a motion for a new trial under ORS 138.696.**

**(3) The time limits described in ORS 138.071, the notice requirements described in ORS 138.081 and 138.090 and the provisions of ORS 138.225, 138.227, 138.240, 138.250, 138.255 and 138.261 apply to appeals under this section unless the context requires otherwise.**

**(4) A circuit court shall appoint counsel to represent a person described in ORS 138.690 on appeal in the same manner as for criminal defendants under ORS 138.500.**

**SECTION 2. Notwithstanding section 1 (3) of this 2013 Act, if the circuit court has entered a final order or judgment described in section 1 (1) or (2) of this 2013 Act before the effective date of this 2013 Act, a party may appeal to the Court of Appeals as provided in section 1 of this 2013 Act not later than 90 days after the effective date of this 2013 Act.**

**SECTION 3. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.**

**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.