

Senate Bill 42

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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 **as introduced**.

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

A BILL FOR AN ACT

1
2 Relating to DNA testing; creating new provisions; and amending ORS 138.696.

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

4 **SECTION 1.** ORS 138.696 is amended to read:

5 138.696. (1) If DNA (deoxyribonucleic acid) testing ordered under ORS 138.692 produces incon-
6 clusive evidence or evidence that is unfavorable to the person requesting the testing:

7 (a) The court shall forward the results to the State Board of Parole and Post-Prison Supervision;
8 and

9 (b) The Department of State Police shall compare the evidence to DNA evidence from unsolved
10 crimes in the Combined DNA Index System.

11 (2) If DNA testing ordered under ORS 138.692 produces exculpatory evidence, the person who
12 requested the testing may file in the court that ordered the testing a motion for a new trial based
13 on newly discovered evidence. Notwithstanding the time limit established in ORCP 64 F, a person
14 may file a motion under this subsection at any time during the [*60-day*] **75-day** period that begins
15 on the date the person receives the test results.

16 (3) Upon receipt of a motion filed under subsection (2) of this section and notwithstanding the
17 time limits in ORCP 64 F, the court shall hear the motion.

18 **SECTION 2.** **The amendments to ORS 138.696 by section 1 of this 2013 Act apply to DNA**
19 **tests ordered on or after the effective date of this 2013 Act.**

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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.