

**THE AMERICAN CIVIL LIBERTIES UNION OF OREGON
THE OREGON ASSOCIATION CHIEFS OF POLICE
THE OREGON STATE SHERIFFS' ASSOCIATION
SUPPORT SB 731**

The ACLU of Oregon, the Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association urge you to pass SB 731, the Oregon DNA Preservation Law. SB 731 is a product of a large workgroup (see list below).¹

SB 731 is an important next step on Oregon's path to provide the necessary safeguards in the criminal justice system in light of the increasing use of DNA technology for purposes of criminal investigation, prosecution and exoneration. It builds on the 2001 Oregon Post-Conviction Motion for DNA Testing Law which authorizes testing of evidence secured by law enforcement, even years after conviction.

Specifically, SB 731 establishes uniform procedures for the retention of biological evidence in the most serious crimes (murders and rapes) for a specific amount of time for both solved and cold cases. It does not require the custodian to preserve evidence if it is of such size, bulk or physical characteristic as to render retention impracticable but authorizes custodian to remove and preserve portions in a quantity sufficient to permit future DNA testing.

SB 731 also allows for a process of early destruction through the district attorney, providing notice and the opportunity for the defendant to object. It requires the Attorney General to adopt rules establishing the proper collection, retention, preservation, and cataloging of biological evidence in consultation of the Department of State Police and custodians. This leaves the necessary flexibility because the means of retaining biological evidence are not only changing, but are becoming easier for property custodians. Rather than place any requirement in law, this leaves the state with the ability to update best practices as they evolve. Finally, if a defendant requests testing of evidence that cannot be found, no matter the reason for lost evidence, the court may not, based solely on those grounds, order reversal of a prior conviction.

The ACLU of Oregon, the Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association urge a "YES" vote on SB 731 – it is an important next step in Oregon law to provide additional protections and safeguards in our criminal justice system.

¹ The workgroup consisted of the following organizations and interested parties: evidence custodians from the cities of Lake Oswego, Medford, Eugene and Portland, the Oregon Association of Chiefs of Police, the Oregon State Sheriffs' Association, the Oregon District Attorneys Association, the Oregon Criminal Defense Lawyers Association, the Association of Oregon Counties, the League of Oregon Cities, the Oregon State Police Forensic Services Division, the Oregon Justice Department, the Oregon Sexual Assault Task Force, the Innocence Project and the American Civil Liberties Union of Oregon.