

## **EQUAL PROTECTION FROM WRONGFUL CRIMINAL CONVICTION ACT**

### **SECTION ONE**

This Act shall continue to correct the law in Oregon, which previously allowed criminal conviction by non-unanimous juries. The law was admittedly based in racist views, and was found to be a violation of the US Constitution by the United States Supreme Court in April, 2020. Unfortunately, numerous persons remain imprisoned or subject to additional court supervision, despite their unconstitutional conviction(s). This amendment would allow these individuals to seek relief and permit their retrial to include a Constitutional process.

Shall add ORS 138.510 (7)

7. Any person convicted of a crime who can show such conviction was by a non-unanimous jury shall be entitled to file a petition for post-conviction relief. Such person must show by a preponderance of the evidence that their conviction was by a non-unanimous jury. Such relief shall be to reverse said conviction and permit a retrial under the current standard of beyond a reasonable doubt by a unanimous jury.

### **SECTION TWO**

Shall add to ORS 138.530(1)(e):

(e) A criminal conviction by a non-unanimous jury is unconstitutional and thereby provides for relief under this statute.

### **SECTION THREE**

This Act is applicable to all criminal convictions that can prove their verdict was by a non-unanimous jury.