

HOUSE AMENDMENT NO. _____
TO
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Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for House Bill No. 301,
2 Page 2, Line 7, by inserting after all of said line the following:

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4 "Further amend said bill, Page 11, Section 544.453, Line 12, by inserting after all of said section and
5 line the following:

6
7 "547.500. 1. The Missouri office of prosecution services may establish a conviction review
8 unit to investigate claims of actual innocence of any defendant, including those who plead guilty.

9 2. The Missouri office of prosecution services shall have the power to promulgate rules and
10 regulations to receive and investigate claims of actual innocence.

11 3. The Missouri office of prosecution services shall create an application process that at a
12 minimum shall include that:

13 (1) Any application for review of a claim of actual innocence shall not have any excessive
14 fees and fees shall be waived in cases of indigence;

15 (2) No application shall be accepted if there is any pending motion, writ, appeal, or other
16 matter pending regarding the defendant's conviction. Any application filed shall be considered a
17 pleading under the Missouri rules of civil procedure, and all attorneys shall comply with supreme
18 court rule 55.03 when signing the application. The application shall be sworn and signed under
19 penalty of perjury by the applicant. Any witness statements attached shall be sworn and signed
20 under penalty of perjury; and

21 (3) Any review and investigation shall be based on newly discovered and verifiable
22 evidence of actual innocence not presented at a trial. Such newly discovered and verifiable
23 evidence shall establish by clear and convincing evidence the actual innocence of the defendant.

24 4. The conviction review unit shall consist of two attorneys, hired by the executive director
25 of the Missouri office of prosecution services, who have extensive experience prosecuting and
26 defending criminal matters, an investigator, a paralegal, and such administrative staff as is needed to
27 efficiently and effectively process all applications and claims. The executive director of the
28 Missouri office of prosecution services shall coordinate the activities and budget of the conviction
29 review unit and act as an ex officio member of the unit.

Action Taken _____ Date _____

1 5. Once the review is complete, the conviction review unit shall present its findings and
2 recommendations to:

3 (1) The office of the prosecuting attorney or circuit attorney who prosecuted the defendant's
4 case, the attorney general's office if it prosecuted the case, or the special prosecutor who prosecuted
5 the case; or

6 (2) If the review was requested by a prosecuting attorney's office, the circuit attorney's
7 office, the attorney general, or a special prosecutor, the findings and recommendations shall be
8 presented to the office that requested the review.

9 6. The circuit attorney, prosecuting attorney of any county, special prosecutor, attorney
10 general's office if it prosecuted the case, Missouri office of prosecution services, or other prosecutor
11 who prosecuted the case is not required to accept or follow the findings and recommendations of the
12 conviction review unit.

13 7. (1) The application, investigation, reports, interviews, findings, and recommendations,
14 and any documents, written, electronic, or otherwise, received or generated by the conviction review
15 unit are closed records.

16 (2) The conviction review unit's findings and recommendations submitted to the prosecuting
17 attorney, circuit attorney, the attorney general's office if it prosecuted the case, or the special
18 prosecutor who prosecuted the case shall become open records after the receiving entity of the
19 submission makes a decision not to pursue a motion under section 547.031 or, if such a motion is
20 filed, after the finality of all proceedings under section 547.031, including appeals authorized
21 therein."; and"; and

22
23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.

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26 THIS AMENDS AMENDMENT 0695H02.33H