

HOUSE AMENDMENT NO. \_\_\_\_  
TO  
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Offered By

AMEND House Amendment No. \_\_\_\_ to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 8, Line 39, by inserting after said line the following:

"547.500. Sections 547.500 to 547.502 shall be known and may be cited as the "Conviction Integrity Units Act".

547.501. As used in sections 547.500 to 547.502, the following terms mean:

(1) "Bona fide and compelling evidence", the evidence presented by the petitioning prosecutor establishes by a preponderance of the evidence that:

(a) The convicted person is significantly likely to be factually innocent;

(b) Newly discovered material evidence, if presented at or before the time of trial, judgment of conviction, or sentencing, would have resulted in a significant probability that the result would have been different; or

(c) There exists information discovered or received by the petitioning prosecution agency after a judgment of conviction and sentencing that:

a. If disclosed to the convicted person prior to trial, judgment of conviction, or sentencing, would have resulted in a significant probability that the result would have been different; or

b. Significantly calls into question the legitimacy of the jury verdict, judgment of conviction, or sentence;

(2) "Convicted person", the person whose conviction or sentence is under review;

(3) "Conviction integrity unit", a program established by the Missouri office of prosecution services to conduct extrajudicial, fact-based reviews of criminal convictions and sentences;

(4) "Establishing office", the Missouri office of prosecution services;

(5) "Factually innocent", a person cannot be proven beyond a reasonable doubt to have:

(a) Engaged in the conduct for which the person was convicted;

(b) Engaged in conduct relating to any lesser included offenses of the offense for which the person was convicted; or

(c) Committed any other felony arising out of or reasonably connected to the facts supporting the indictment or information upon which the person was convicted;

(6) "Legitimacy", consistent with the Constitutions of the United States and Missouri, federal and state law, and all rules and principles of a fair and just legal system;

(7) "Newly discovered material evidence", evidence that was not available to the prosecutor at trial or during the resolution on the merits by the trial court of any motion to withdraw a guilty

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1 plea or motion for a new trial and that is relevant to the determination of the issue of factual  
 2 innocence and may also include:

3 (a) Evidence that was discovered prior to or in the course of any appeal or postconviction  
 4 proceedings that served in whole or in part as the basis for vacatur or reversal of the conviction of  
 5 the prosecutor; or

6 (b) Evidence that supports the claim within a petition to modify or vacate a conviction,  
 7 which petition is pending at the time of the court's determination of factual innocence;

8 (8) "Petitioning prosecutor", the prosecutor who files a civil petition seeking relief under  
 9 this section;

10 (9) "Significant" or "significantly likely", to a large degree or of a noticeably or measurably  
 11 large amount.

12 547.502. 1. The Missouri office of prosecution services may establish a conviction integrity  
 13 unit to investigate:

14 (1) Plausible allegations of factual innocence;

15 (2) Newly discovered material evidence; or

16 (3) Information discovered or received by the Missouri office of prosecution services after  
 17 trial, judgment of conviction, or sentencing that:

18 (a) If disclosed to the convicted person prior to trial, judgment of conviction, or sentencing,  
 19 would have resulted in a significant probability that the result would have been different; or

20 (b) Significantly calls into question the legitimacy of the jury verdict, judgment of  
 21 conviction, or sentence.

22 2. (1) An individual convicted of an offense may submit an application to a conviction  
 23 integrity unit requesting review of the individual's conviction or sentence as provided in subsection  
 24 2 of this section.

25 (2) If a convicted person submits an application for review of a conviction that resulted in a  
 26 sentence of death, and the application is submitted to any conviction integrity unit other than a  
 27 conviction integrity unit established by the office of the Missouri office of prosecution services, the  
 28 conviction integrity unit that receives the application shall forward copies of the application to the  
 29 office of the Missouri office of prosecution services and to the convicted person's current counsel of  
 30 record.

31 (3) If a conviction integrity unit other than the conviction integrity unit established by the  
 32 office of the Missouri office of prosecution services undertakes any review of a conviction that  
 33 resulted in a sentence of death, the conviction integrity unit shall send the findings and  
 34 recommendations promptly upon completion to the office of the Missouri office of prosecution  
 35 services and to the convicted person's current counsel of record.

36 (4) If a conviction integrity unit other than a conviction integrity unit established by the  
 37 office of the Missouri office of prosecution services discovers or receives any information relevant  
 38 to a conviction that resulted in a sentence of death, the conviction integrity unit that discovers or  
 39 receives the information shall promptly notify the office of the Missouri office of prosecution  
 40 services and the convicted person's current counsel of record.

41 3. The form of the application for review and its contents shall be determined by the  
 42 establishing office. The application shall not be burdensome, have excessive fees, use predatory  
 43 language, or further disenfranchise a prosecutor.

44 4. Once the review is complete, the conviction integrity unit shall present its findings and  
 45 recommendations to:

46 (1) The establishing office; or

47 (2) If the review was requested by another prosecution agency under subdivision (2) of  
 48 subsection 2 of this section, the circuit attorney, county attorney, Missouri office of prosecution  
 49 services, or other prosecutor who directly oversees and supervises the prosecution agency that

1 requested the review.

2 5. The circuit attorney, county attorney, Missouri office of prosecution services, or other  
3 prosecutor who directly oversees and supervises the establishing office, or who requested review  
4 under subdivision (2) of subsection 2 of this section, is not required to accept or follow the findings  
5 and recommendations of the conviction integrity unit."; and

6  
7 Further amend said bill by amending the title, enacting clause, and intersectional references  
8 accordingly.

9  
10 THIS AMENDMENT AMENDS 3386H08.34H.