

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

1 AMEND House Amendment No. \_\_\_\_\_ to House Committee Substitute for House Bill No. 1133,  
2 Page 1, Line 15, by deleting all of said line and inserting in lieu thereof the following:

3  
4 "(3) A safe and secure home plan for implementation upon the offender's release.  
5 547.505. Sections 547.505 to 547.509 shall be known and may be cited as the "Conviction  
6 Integrity Unit Act.

7 547.507. As used in sections 547.505 to 547.509, the following terms mean:

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

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

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

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

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

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

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

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

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

24 (5) "Factually innocent", the state in which a person cannot be proven beyond a reasonable  
25 doubt to have:

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

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

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

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

5 (7) "Newly discovered material evidence", evidence that was not available to the prosecutor  
6 at trial or during the resolution on the merits by the trial court on any motion to withdraw a guilty  
7 plea or motion for a new trial and that is relevant to the determination of the issue of factual  
8 innocence and may also include:

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

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

14 (8) "Petitioning prosecutor", the prosecutor who files a civil petition seeking relief under  
15 section 547.509;

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

18 547.509. 1. The Missouri office of prosecution services may establish a conviction integrity  
19 unit to investigate:

20 (1) Plausible allegations of factual innocence;

21 (2) Newly discovered material evidence; and

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

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

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

28 2. (1) An individual convicted of an offense may submit an application to a conviction  
29 integrity unit requesting review of the individual's conviction or sentence as provided in subdivision  
30 (2) of this subsection.

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

36 (3) If a conviction integrity unit other than the conviction integrity unit established by the  
37 office of the Missouri office of prosecution services undertakes any review of a conviction that  
38 resulted in a sentence of death, the conviction integrity unit shall send the findings and

1 recommendations promptly upon completion to the office of the Missouri office of prosecution  
2 services and to the convicted person's current counsel of record.

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

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

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

13 (1) The establishing office; or

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

18 5. The circuit attorney, county attorney, Missouri office of prosecution services, or other  
19 prosecutor who directly oversees and supervises the establishing office, or who requested review  
20 under subdivision (2) of subsection 2 of this section, is not required to accept or follow the findings  
21 and recommendations of the conviction integrity unit."; 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 AMENDMENT AMENDS 2456H03.07H