

FIRST REGULAR SESSION

HOUSE BILL NO. 360

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLLINS.

1150H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 547, RSMo, by adding thereto one new section relating to actual innocence.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 547, RSMo, is amended by adding thereto one new section, to be
2 known as section 547.033, to read as follows:

3 **547.033. A person in the custody or supervision of the department of corrections**
4 **may raise a freestanding claim of actual innocence in any postconviction proceeding if**
5 **the person questions the court's findings in the original criminal case. The court shall**
6 **have the authority to review, decide, and issue an order on such claim if there is clear**
7 **and convincing evidence supporting the claim of actual innocence. The court shall**
8 **consider evidence not presented at the original trial or during a plea, postconviction**
9 **hearing, or direct appeal, including any state or federal habeas claims. If the court**
10 **determines that the burden of proof has been met by clear and convincing evidence, the**
11 **court shall vacate or set aside the judgment.**

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EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.