

HB 360 -- FREESTANDING CLAIMS OF ACTUAL INNOCENCE

SPONSOR: Collins

This bill allows a person in the custody of the Department of Corrections to raise a freestanding claim of actual innocence in any post conviction proceeding if the person questions the court's findings in the original criminal case. The court has the authority to review, decide, and issue an order on the claim if there is clear and convincing evidence supporting the claim. The court must consider evidence not presented at the original trial or during a plea, postconviction hearing, or direct appeal. If the court determines the burden of proof has been met, the court must vacate or set aside the judgment.