

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for House Bill No. 1886, Page 37, Section 537.529, Line  
2 115, by inserting after all of said section and line the following:

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

12  
13 Further amend said bill by amending the title, enacting clause, and intersectional references  
14 accordingly.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_