

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 1777, 2203, 2059 & 2502, Page 8,
2 Section 492.304, Line 42, by inserting after all of said section and line the following:

3
4 "547.500. 1. The Missouri office of prosecution services may establish a conviction review
5 unit to investigate claims of actual innocence of any defendant, including one who has pled guilty.

6 2. The Missouri office of prosecution services shall have the power to promulgate rules and
7 regulations to receive and investigate claims of actual innocence.

8 3. The Missouri office of prosecution services shall create an application process that at a
9 minimum shall include that:

10 (1) Any application for review of a claim of actual innocence shall not have a fee that
11 exceeds the following:

12 (a) Ten dollars for review of a misdemeanor conviction;

13 (b) Twenty-five dollars for review of a felony conviction;

14 (c) Thirty-five dollars for review of a noncapital murder conviction;

15 (d) Thirty-five dollars for review of a civil commitment case; or

16 (e) Fifty dollars for review of a capital murder conviction;

17 (2) No application shall be accepted if there is any pending motion, writ, appeal, or other
18 matter pending regarding the defendant's conviction. Any application filed shall be considered a
19 pleading under the Missouri rules of civil procedure, and all attorneys shall comply with supreme
20 court rule 55.03 when signing the application. The application shall be sworn and signed under
21 penalty of perjury by the applicant. Any witness statements attached shall be sworn and signed
22 under penalty of perjury; and

23 (3) Any review and investigation shall be based on newly discovered and verifiable
24 evidence of actual innocence not presented at a trial. Such newly discovered and verifiable
25 evidence shall establish by clear and convincing evidence the actual innocence of the defendant.

26 4. The conviction review unit shall consist of two attorneys, hired by the executive director
27 of the Missouri office of prosecution services, who have extensive experience prosecuting and
28 defending criminal matters, an investigator, a paralegal, and such administrative staff as is needed to
29 efficiently and effectively process all applications and claims. The executive director of the

Action Taken _____ Date _____

1 Missouri office of prosecution services shall coordinate the activities and budget of the conviction
2 review unit and act as an ex officio member of the unit.

3 5. Once the review is complete, the conviction review unit shall present its findings and
4 recommendations to:

5 (1) The office of the prosecuting attorney or circuit attorney who prosecuted the defendant's
6 case, the attorney general's office if it prosecuted the case, or the special prosecutor who prosecuted
7 the case; or

8 (2) If the review was requested by a prosecuting attorney's office, the circuit attorney's
9 office, the attorney general, or a special prosecutor, the findings and recommendations shall be
10 presented to the office that requested the review.

11 6. The circuit attorney, prosecuting attorney, special prosecutor, attorney general's office if it
12 prosecuted the case, Missouri office of prosecution services, or other prosecutor who prosecuted the
13 case is not required to accept or follow the findings and recommendations of the conviction review
14 unit.

15 7. (1) The application, investigation, reports, interviews, findings, and recommendations,
16 and any documents, written, electronic, or otherwise, received or generated by the conviction review
17 unit are closed records.

18 (2) The conviction review unit's findings and recommendations submitted to the prosecuting
19 attorney, circuit attorney, the attorney general's office if it prosecuted the case, or the special
20 prosecutor who prosecuted the case shall become open records after the receiving entity of the
21 submission makes a decision not to pursue a motion under section 547.031 or, if such a motion is
22 filed, after the finality of all proceedings under section 547.031, including appeals authorized
23 therein."; and

24
25 Further amend said bill by amending the title, enacting clause, and intersectional references
26 accordingly.