

HB 1783 -- CLAIMS OF INNOCENCE

SPONSOR: Perkins

Currently, a prosecuting or circuit attorney in the jurisdiction where a person was convicted may file a motion to vacate or set aside a judgment if the attorney has information that the convicted person is innocent or was erroneously convicted. This bill amends the provision to allow the prosecuting or circuit attorney in the jurisdiction where the charges were filed to file the motion.

Currently, only those who allege police or prosecutorial misconduct at their trial can file claims for wrongful conviction. This bill allows a person in the custody of the Department of Corrections to file a freestanding claim of actual innocence in any post-conviction action or proceeding challenging the validity of the conviction. The court must vacate or set aside the judgment if it finds there is clear and convincing evidence that undermines the validity of the conviction.