

FIRST REGULAR SESSION

HOUSE BILL NO. 1075

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VIOLET.

2551H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 547, RSMo, by adding thereto one new section relating to a freestanding claim of 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 547.034, to read as follows:

3 **547.034. 1. A person in the custody or supervision of the department of**
4 **corrections may raise, and a court may decide, a freestanding claim of actual innocence**
5 **in any postconviction action or proceeding challenging the validity of the judgment.**

6 **2. The court shall vacate or set aside the judgment if the court finds there is clear**
7 **and convincing evidence that undermines the confidence of the judgment. In**
8 **considering the claim, the court shall consider information and evidence not**
9 **presented to the original trier of fact, the evidence presented at the original trial or**
plea, and any information or evidence presented at any direct appeal or postconviction
proceeding, including state or federal habeas actions.

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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.