

SECOND REGULAR SESSION

# HOUSE BILL NO. 2915

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COLLINS.

5842H.02I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To amend chapter 547, RSMo, by adding thereto one new section relating to claims of actual innocence.

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*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 547.033, to read as follows:

547.033. Any person in the custody of, or under the supervision of, the  
2 department of corrections may raise a claim of actual innocence in a postconviction  
3 action or proceeding challenging the validity of the original judgment or sentence. The  
4 court shall have the authority to review, decide, and issue an order on such a claim if the  
5 court finds that there is clear and convincing evidence supporting the claim of actual  
6 innocence and that such evidence undermines confidence in the correctness of the  
7 judgment. In considering a claim of actual innocence, the court shall evaluate all  
8 relevant evidence including, but not limited to, evidence not presented to the original  
9 trier of fact at trial, during plea hearings, or at other proceedings. A claim of actual  
10 innocence may be supported by newly discovered or newly available evidence. The  
11 court may dismiss the claim without a hearing if the court determines that the petitioner  
12 has failed to make a prima facie showing of actual innocence. If the court determines,  
13 based on the totality of the evidence, that the burden of proof has been met by clear and  
14 convincing evidence and that such evidence undermines confidence in the original

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.

15 judgment, the court shall vacate or set aside the judgment and shall issue written  
16 findings of fact and conclusions of law identifying the evidence relied upon.

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