

FIRST REGULAR SESSION

SENATE BILL NO. 686

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

2761S.01I

KRISTINA MARTIN, Secretary

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
2 one new section, to be known as section 547.034, to read as
3 follows:

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

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

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