

SECOND REGULAR SESSION

HOUSE BILL NO. 2885

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCREERY.

5837H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 547, RSMo, by adding thereto one new section relating to postconviction release.

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 547.380, to read as follows:

3 **547.380. 1. A person in the custody of, or under the supervision of, the state of**
4 **Missouri may raise, and a court may decide, a freestanding claim of actual innocence in**
5 **any postconviction action or proceeding challenging the validity of the judgment.**

6 **2. The court shall vacate or set aside the judgment where the court finds there is**
7 **clear and convincing evidence that undermines confidence in the judgment. In**
8 **considering the claim, the court shall take into consideration information and evidence**
9 **not presented to the original trier of fact; the evidence presented at the original trial or**
plea; and any evidence presented at any direct appeal or postconviction proceedings,
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.