

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 302

H.P. 226

House of Representatives, January 22, 2019

**An Act To Amend the Laws Governing Post-conviction Review in
Order To Facilitate the Fair Hearing of All Evidence in Each Case
Involving a Claim of Innocence**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative EVANGELOS of Friendship.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: DAUGHTRY of Brunswick, FARNSWORTH of Portland, GATTINE of
Westbrook, HARNETT of Gardiner, LANDRY of Farmington, PLUECKER of Warren,
WARREN of Hallowell, Senator: BELLOWS of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 15 MRSA §2133** is enacted to read:

3 **§2133. Claim of actual innocence**

4 Notwithstanding sections 2128 and 2128-B, a petition for post-conviction review
5 claiming actual innocence may be filed at any time during the period of direct
6 impediment, except that it may not be filed within one year of a judgment on a petition
7 filed for the same conviction under this chapter or chapter 305-B. A petition for post-
8 conviction review under this section must receive at least one evidentiary hearing in
9 which the petitioner may submit new evidence and evidence submitted in prior
10 proceedings on the same matter.

11 **SUMMARY**

12 This bill amends the statutory provisions regarding criminal post-conviction review
13 to allow the filing of a petition for post-conviction review claiming actual innocence at
14 any time during the period of direct impediment, except that it may not be filed within
15 one year of a judgment on a prior petition for post-conviction review on the same
16 conviction. This bill requires that a petition for post-conviction review claiming actual
17 innocence receive at least one evidentiary hearing in which the petitioner may submit
18 new evidence and evidence submitted in prior proceedings on the same matter.