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**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**

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

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

§ 2133. Claim of actual innocence

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

SUMMARY

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