



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 677

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H.P. 468

House of Representatives, February 28, 2017

**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**

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative DEVIN of Newcastle.  
Cosponsored by Senator BRAKEY of Androscoggin and  
Representative: PICCHIOTTI of Fairfield.

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.