

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date: (Filing No. H-)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 20, L.D. 54, “An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence”

Amend the bill in section 2 in subsection 1-A in the 6th line (page 1, line 25 in L.D.) by inserting after the following: "evidence." the following: "The court may dismiss the petition if it determines that the petitioner has not made a prima facie showing that the new evidence is material and would have affected the criminal judgment."

Amend the bill by inserting after section 2 the following:

'Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**ATTORNEY GENERAL, DEPARTMENT OF THE
Administration - Attorney General 0310**

Initiative: Provides one Assistant Attorney General position and one Research Assistant Paralegal position to handle an increase in litigation and provides funding for All Other costs.

GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$210,947	\$221,178
All Other	\$9,849	\$9,849
GENERAL FUND TOTAL	\$220,796	\$231,027

District Attorneys Salaries 0409

Initiative: Provides funding for 7.5 Assistant District Attorney positions to handle an increase in litigation.

GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	7.500	7.500

COMMITTEE AMENDMENT

1	Personal Services	\$878,057	\$920,642
2			
3	GENERAL FUND TOTAL	<u>\$878,057</u>	<u>\$920,642</u>
4			
5	ATTORNEY GENERAL, DEPARTMENT OF THE		
6	DEPARTMENT TOTALS	2021-22	2022-23
7			
8	GENERAL FUND	\$1,098,853	\$1,151,669
9			
10	DEPARTMENT TOTAL - ALL FUNDS	<u>\$1,098,853</u>	<u>\$1,151,669</u>
11	INDIGENT LEGAL SERVICES, MAINE COMMISSION ON		
12	Maine Commission on Indigent Legal Services Z112		
13	Initiative: Provides additional funding for an increase in post-conviction reviews handled		
14	by the commission.		
15	GENERAL FUND	2021-22	2022-23
16	All Other	\$196,493	\$196,493
17			
18	GENERAL FUND TOTAL	<u>\$196,493</u>	<u>\$196,493</u>
19			
20	INDIGENT LEGAL SERVICES, MAINE		
21	COMMISSION ON		
22	DEPARTMENT TOTALS	2021-22	2022-23
23			
24	GENERAL FUND	\$196,493	\$196,493
25			
26	DEPARTMENT TOTAL - ALL FUNDS	<u>\$196,493</u>	<u>\$196,493</u>
27	JUDICIAL DEPARTMENT		
28	Courts - Supreme, Superior and District 0063		
29	Initiative: Provides funding for one Judge, one Deputy Marshal position, one Assistant		
30	Clerk position and one part-time Law Clerk position due to the anticipated increase in post-		
31	conviction reviews.		
32	GENERAL FUND	2021-22	2022-23
33	Personal Services	\$397,452	\$410,170
34			
35	GENERAL FUND TOTAL	<u>\$397,452</u>	<u>\$410,170</u>
36			
37	JUDICIAL DEPARTMENT		
38	DEPARTMENT TOTALS	2021-22	2022-23
39			
40	GENERAL FUND	\$397,452	\$410,170
41			
42	DEPARTMENT TOTAL - ALL FUNDS	<u>\$397,452</u>	<u>\$410,170</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

SECTION TOTALS	2021-22	2022-23
GENERAL FUND	\$1,692,798	\$1,758,332
SECTION TOTAL - ALL FUNDS	\$1,692,798	\$1,758,332

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is a minority report of the committee.

The bill provides that there is no deadline for filing a petition for post-conviction review based on newly discovered evidence and that the court may require the petitioner to provide additional information about the nature of the newly discovered evidence. This amendment provides that the court may dismiss the petition if the court determines that the petitioner has not made a prima facie showing that the new evidence is material and would have affected the criminal judgment.

The amendment adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT