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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2400

03/02/2023 Authored by Frazier, Smith and Feist
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to judiciary; amending the standard for a petition for postconviction relief
1.3 based on newly discovered evidence; amending Minnesota Statutes 2022, section
1.4 590.01, subdivision 4.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 590.01, subdivision 4, is amended to read:

1.7 Subd. 4. Time limit. (a) No petition for postconviction relief may be filed more than
1.8 two years after the later of:

1.9 (1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

1.10 (2) an appellate court's disposition of petitioner's direct appeal.

1.11 (b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief
1.12 if:

1.13 (1) the petitioner establishes that a physical disability or mental disease precluded a
1.14 timely assertion of the claim;

1.15 (2) the petitioner alleges the existence of newly discovered evidence, including scientific
1.16 evidence, that provides the factual predicate for one or more claims for relief, if such evidence
1.17 could not have been ascertained by the exercise of due diligence by the petitioner or
1.18 petitioner's attorney within the two-year time period for filing a postconviction petition, and
1.19 the evidence is not cumulative to evidence presented at trial, and is not for impeachment
1.20 purposes, and establishes by a clear and convincing standard that the petitioner is innocent
1.21 of the offense or offenses for which the petitioner was convicted;

2.1 (3) the petitioner asserts a new interpretation of federal or state constitutional or statutory
2.2 law by either the United States Supreme Court or a Minnesota appellate court and the
2.3 petitioner establishes that this interpretation is retroactively applicable to the petitioner's
2.4 case;

2.5 (4) the petition is brought pursuant to subdivision 3; or

2.6 (5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous
2.7 and is in the interests of justice.

2.8 (c) Any petition invoking an exception provided in paragraph (b) must be filed within
2.9 two years of the date the claim arises.

2.10 **EFFECTIVE DATE.** This section is effective August 1, 2023.