

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2597

(SENATE AUTHORS: LATZ, Westlin, Champion and Oumou Verbeten)		
DATE	D-PG	OFFICIAL STATUS
03/06/2023	1353	Introduction and first reading Referred to Judiciary and Public Safety
03/08/2023	1440	Authors added Westlin; Champion; Oumou Verbeten
03/22/2023	2134	Comm report: To pass
	2597	Second reading
	11498	Rule 47, returned to Judiciary and Public Safety
03/14/2024	12224a	Comm report: To pass as amended
	12263	Second reading

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; expanding time limit to respond to

1.4

postconviction petition; amending Minnesota Statutes 2022, sections 590.01,

1.5

subdivision 4; 590.03.

1.6

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

1.7

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

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Subd. 4. **Time limit.** (a) No petition for postconviction relief may be filed more than

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two years after the later of:

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

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

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(b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief

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if:

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(1) the petitioner establishes that a physical disability or mental disease precluded a

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timely assertion of the claim;

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(2) the petitioner alleges the existence of newly discovered evidence, including scientific

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evidence, that provides facts necessary to sustain one or more legally cognizable claims for

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postconviction relief, if such evidence could not have been ascertained by the exercise of

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due diligence by the petitioner or petitioner's attorney within the two-year time period for

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filing a postconviction petition, ~~and the evidence~~ is not cumulative to evidence presented

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at trial, and is not for impeachment purposes,~~and establishes by a clear and convincing~~

2.1 ~~standard that the petitioner is innocent of the offense or offenses for which the petitioner~~
2.2 ~~was convicted;~~

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

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

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

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

2.12 **EFFECTIVE DATE.** This section is effective August 1, 2024.

2.13 Sec. 2. Minnesota Statutes 2022, section 590.03, is amended to read:

2.14 **590.03 PLEADINGS AND PRACTICE AFTER FILING A POSTCONVICTION**
2.15 **PETITION.**

2.16 Within ~~20~~ 45 days after the filing of the petition pursuant to section 590.01 or within
2.17 such time as the judge to whom the matter has been assigned may fix, the county attorney,
2.18 or the attorney general, on behalf of the state, shall respond to the petition by answer or
2.19 motion which shall be filed with the court administrator of district court and served on the
2.20 petitioner if unrepresented or on the petitioner's attorney. No further pleadings are necessary
2.21 except as the court may order. The court may at any time prior to its decision on the merits
2.22 permit a withdrawal of the petition, may permit amendments thereto, and to the answer.
2.23 The court shall liberally construe the petition and any amendments thereto and shall look
2.24 to the substance thereof and waive any irregularities or defects in form.