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State of Minnesota

Printed Page No. 311

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2400

03/02/2023 Authored by Frazier, Smith, Feist and Curran
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
02/22/2024 Adoption of Report: Amended and re-referred to the Committee on Public Safety Finance and Policy
03/20/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to judiciary; amending the standard and timing for a petition for
1.3 postconviction relief based on newly discovered evidence; amending Minnesota
1.4 Statutes 2022, sections 590.01, subdivision 4; 590.03.

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 facts necessary to sustain one or more legally cognizable claims for
1.17 postconviction relief, if such evidence could not have been ascertained by the exercise of
1.18 due diligence by the petitioner or petitioner's attorney within the two-year time period for
1.19 filing a postconviction petition, and the evidence is not cumulative to evidence presented
1.20 at trial, and is not for impeachment purposes, and establishes by a clear and convincing
1.21 standard that the petitioner is innocent of the offense or offenses for which the petitioner
1.22 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, 2024.

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

2.12 **590.03 PLEADINGS AND PRACTICE AFTER FILING A POSTCONVICTION**  
2.13 **PETITION.**

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

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