
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

Present law requires that no application for post conviction relief be considered if filed more than two weeks after the judgement of conviction and sentence has become final unless certain items apply. Provides that one item is that the application for post conviction relief alleges, and the petitioner proves or the state admits that the facts upon which the claim is predicated were not known to the petitioner or his attorney.

Proposed law retains this provision but adds requirement that the facts upon which the application is predicated could not be discoverable through the exercise of due diligence.

Effective August 15, 2010.

(Amends C. Cr. P. Art. 930.8(A)(1))