



Present law provides that an application for post conviction relief, including applications which seek an out-of-time appeal, will not be considered if it is filed more than two years after the judgment of conviction and sentence has become final unless any of the following apply:

- (1) The application 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 prior attorneys, subject to certain conditions.
- (2) The claim asserted in the petition is based upon a final ruling of an appellate court establishing a theretofore unknown interpretation of constitutional law and petitioner establishes that this interpretation is retroactively applicable to his case, and the petition is filed within one year of the finality of such ruling.
- (3) The application would already be barred by the provisions of present law but the application is filed on or before October 1, 2001, and the date on which the application was filed is within three years after the judgment of conviction and sentence has become final.
- (4) The person asserting the claim has been sentenced to death.
- (5) The petitioner qualifies for certain present law exceptions to timeliness based upon DNA testing or factual innocence.

Proposed law retains present law and adds an exception to present law time limitations for applications when the petitioner's conviction was obtained by a non-unanimous jury verdict.

Effective August 1, 2024.

(Amends C.Cr.P. Art. 930.4(G); adds C.Cr.P. Art. 930.3(9), 930.4(H), and 930.8(A)(7))