
HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 385 by Representative Hodges

1 AMENDMENT NO. 1

2 On page 1, line 2, after "Articles" and before "930.4(B)" delete "928,"

3 AMENDMENT NO. 2

4 On page 1, delete line 3 in its entirety and insert "and 930.8(A)(1),"

5 AMENDMENT NO. 3

6 On page 1, delete line 4 in its entirety and insert "relative to post conviction relief;"

7 AMENDMENT NO. 4

8 On page 1, line 5, delete "certain petitions; to provide for definitions;"

9 AMENDMENT NO. 5

10 On page 1, line 8, after "demonstrate" and before "diligence" delete "due" and after "claims;"
11 delete the remainder of the line

12 AMENDMENT NO. 6

13 On page 1, delete line 9 in its entirety and insert "and"

14 AMENDMENT NO. 7

15 On page 1, line 12, after "Articles" and before "930.4(B)" delete "928,"

16 AMENDMENT NO. 8

17 On page 1, at the beginning of line 13, change "930.8(A)(introductory paragraph) and (1)"
18 to "and 930.8(A)(1)"

19 AMENDMENT NO. 9

20 On page 1, delete lines 15 through 19 in their entirety

21 AMENDMENT NO. 10

22 On page 2, delete lines 1 through 3 in their entirety

23 AMENDMENT NO. 11

24 On page 2, line 7, after "and" and before "failed" insert "inexcusably"

25 AMENDMENT NO. 12

26 On page 2, line 10, after "and" and before "failed" insert "inexcusably"

1 AMENDMENT NO. 13

2 On page 2, line 14, after "was" and before "omitted" insert "inexcusably"

3 AMENDMENT NO. 14

4 On page 2, delete lines 15 through 19 in their entirety

5 AMENDMENT NO. 15

6 On page 2, at the end of line 23, delete "one"

7 AMENDMENT NO. 16

8 On page 2, at the beginning of line 24, delete "year" and insert "two years"

9 AMENDMENT NO. 17

10 On page 2, lines 28 and 29 in their entirety

11 AMENDMENT NO. 18

12 On page 3, delete lines 1 through 4 in their entirety and insert the following:

13 ~~"attorney; prior attorneys. Further, the petitioner shall prove that he exercised~~
14 ~~diligence in attempting to discover any post conviction claims that may exist.~~
15 ~~"Diligence" for the purposes of this Article is a subjective inquiry that must take into~~
16 ~~account the circumstances of the petitioner. Those circumstances shall include, but~~
17 ~~are not limited to the educational background of the petitioner, the petitioner's access~~
18 ~~to formally trained inmate counsel, the financial resources of the petitioner, the age~~
19 ~~of the petitioner, the mental abilities of the petitioner, or whether the interests of~~
20 ~~justice will be served by the consideration of new evidence. New facts discovered~~
21 ~~pursuant to this exception shall be submitted to the court within two years of~~
22 ~~discovery."~~

23 AMENDMENT NO. 19

24 On page 3, delete lines 6 and 7 in their entirety and insert the following:

25 "Section 2. The provisions of this Act shall become effective August 1, 2014.