

HF2400 - 0 - Postconviction Relief Petition Standards Modified

Chief Author: **Cedrick Frazier**
 Committee: **Judiciary Finance And Civil Law**
 Date Completed: **2/20/2024 11:21:02 AM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/20/2024 11:21:02 AM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

The bill amends Minn. Stat. § 590.01, subd. 4(b)(2) to modify the standard for newly discovered evidence that may support a claim for postconviction relief filed outside of the standard time limit. Minnesota Statute § 590.01, subd. 4(b)(2) allows courts to consider petitions for postconviction relief filed after the time limit if the petitioner alleges the existence of newly discovered evidence that meets specific requirements. The bill removes the requirement that the newly discovered evidence “establishes by a clear and convincing standard that the petitioner is innocent of the offense or offenses for which the petitioner was convicted.” The bill adds to that same paragraph a requirement that the newly discovered evidence “provides the factual predicate for one or more claims for relief,” while keeping the other listed requirements of Minn. Stat. § 590.01, subd. 4(b)(2).

Assumptions

It is assumed that the provisions of this bill could increase the number of petitions for postconviction relief filed with the court because it expands the realm of newly discovered evidence that may qualify for relief under Minn. Stat. § 590.01, subd. 4(b)(2). It is assumed that some petitions covered by the provisions of this bill are already filed under the current language of paragraph (2). It is assumed that some petitions covered by the provisions of this bill are already filed under the provisions in paragraph (5), which allows the court to hear a petition filed outside the time limit if the petitioner establishes to the satisfaction of the court that the petition is not frivolous and is in the interests of justice. Thus it is assumed any increase in filings would be low or moderate.

Expenditure and/or Revenue Formula

Based on 5 years of judicial branch data, an average of approximately 328 petitions for postconviction relief are filed statewide each year. If the provisions of this bill resulted in a 10 or 20% increase in postconviction petitions, it would amount to between 33 and 66 new petitions statewide per year which is fewer than one case per county. The bill is not anticipated to have a significant fiscal impact on the judicial branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

References/Sources

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