

Subject Extending the deadline to file certain petitions for postconviction relief

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Overview

A person who has been convicted of a crime can file a petition for postconviction relief in certain limited situations. Petitions can only be filed after the person filed a direct appeal or the deadline to file a direct appeal has expired. Petitions are limited to claims that the person's conviction violated the Constitution or laws of the United States or Minnesota, or that there is newly obtained scientific evidence that establishes the person's actual innocence. Petitions must usually be filed within two years of either a conviction or the appellate court's disposition of the person's direct appeal, whichever occurs later. There are several exceptions to the two-year limitation. If a person meets those exceptions, then a petition may be filed within two years of the time the claim to the exception arises.

Summary

Section	Description
1	<p>Time limit.</p> <p>Adds situations where the petitioner is placed into removal proceedings, detained for the purpose of deportation, or deportation may be likely to the exceptions that permit a petition for postconviction relief to be heard more than two years following either conviction or the appellate court's disposition of the petitioner's direct appeal. Clarifies that a claim justifying the invocation of an exception arises when a petitioner has actual knowledge of the consequences of the criminal conviction.</p>