

H.B. 154

EXONERATION AND INNOCENCE ASSISTANCE

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 15, 2007 11:35 AM

Representative **David Litvack** proposes the following amendments:

1. *Page 6, Lines 164 through 165:*

164 of one or more offenses of which the person was convicted {~~and all lesser included offenses~~
165 ~~relating to those offenses~~} , the court shall order that those convictions be vacated with prejudice

2. *Page 6, Line 169:*

169 convincing evidence that the person {is} [actually] {~~factually innocent of~~} did not commit one
or more offenses of

3. *Page 6, Line 171:*

171 that the person {is} [actually] {~~factually innocent of all~~} did not commit any lesser included
offenses relating to those

4. *Page 6, Line 178:*

178 offenses the person is challenging and does not find that Subsection (2)(c) applies , the court shall deny
the person's petition regarding the

5. *Page 9, Lines 262 through 264:*

262 evidence that the petitioner {~~is~~} ;
263 (a) is factually innocent of one or more offenses of which he was convicted {~~and all lesser~~
264 ~~included offenses relating to those offenses~~} , the court shall order that those convictions be

6. *Page 9, Line 266:*

266 (b) {~~factually innocent of~~} did not commit one or more offenses of which the petitioner was
convicted.

7. *Page 9, Lines 267 through 268:*

267 but the court does not find by clear and convincing evidence that the petitioner {~~is factually~~
268 ~~innocent of all~~} did not commit any lesser included offenses relating to those offenses, the court shall
modify the

8. Page 9, Line 273:

273 challenging **and does not find that Subsection (4)(b) applies**, the court shall deny the petition regarding
the offense or offenses.

9. Page 11, Line 336 through Page 12, Line 341:

336 (b) Payments pursuant to this section may not be offset {~~by:~~
337 ~~(i)~~} any expenses incurred by the state or any political subdivision of the state, including
338 expenses incurred to secure the petitioner's custody, or to feed, clothe, or provide medical
339 services for the petitioner {~~or~~
340 ~~(ii) the value of any services or the value of any reduction in fees for services to be~~
341 ~~provided to the petitioner as a part of the payment.~~}