

H.B. 307

FACTUAL INNOCENCE AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 15, 2012 4:58 PM

Representative **Brad L. Dee** proposes the following amendments:

1. *Page 1, Lines 11 through 20:*

11 This bill:

* * * *Some lines not shown* * * *

- 12 ▶ clarifies the requirement of a hearing if the state does not stipulate to factual
- 13 innocence;
- 14 ▶ clarifies that all proceedings are governed by Utah Rules of Civil Procedure, Rule
- 15 65C;
- 16 ▶ sets a standard for the court's determination of factual innocence;
- 17 ▶ disallows prejudgment interest on payments made to a person after a finding of
- 18 factual innocence; and
- 19 ▶ provides that assistance payments on a claim of factual innocence ~~{is}~~ are
- 20 petitioner.

2. *Page 4, Line 117 through Page 5, Line 121:*

- 117 (13) The procedures governing the filing and adjudication of a petition to determine
- 118 factual innocence apply to all petitions currently filed or pending in the district court and any new petitions
- 119 filed on or after [the effective date of this amendment] ~~{March 25, 2010}~~ June 1, 2012 .
- 120 (14) A claim for determination of factual innocence under this part is not extinguished
- 121 upon the death of the petitioner. The assistance payment provisions of Section 78B-9-405 may not apply, and financial payments may not be made, if the finding of factual innocence occurs after the death of the petitioner. In addition, any payments already being made under Section 78B-9-405 shall cease upon the death of the petitioner.