

26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 78B-9-501, Utah Code Annotated 1953

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33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section 78B-9-501 is enacted to read:

35 **Part 5. Conviction Integrity Units Act**

36 **78B-9-501. Title.**

37 This part is known as the "Conviction Integrity Units Act."

38 Section 2. Section 78B-9-502 is enacted to read:

39 **78B-9-502. Definitions.**

40 As used in this part:

41 (1) "Bona fide and compelling evidence" means that the evidence presented by the  
42 petitioning prosecutor establishes by a preponderance of the evidence that:

43 (a) the convicted person is significantly likely to be factually innocent;

44 (b) newly discovered material evidence, if presented at or before the time of trial,  
45 judgment of conviction, or sentencing, would have resulted in a significant probability that the  
46 result would have been different; or

47 (c) there exists information discovered or received by the petitioning prosecution  
48 agency after a judgment of conviction and sentencing that:

49 (i) if disclosed to the convicted person prior to trial, judgment of conviction, or  
50 sentencing, would have resulted in a significant probability that the result would have been  
51 different; or

52 (ii) significantly calls into question the ~~H~~→ [integrity] legitimacy ←~~H~~ of the jury verdict,  
52a judgment of  
53 conviction, or sentence.

54 (2) "Convicted person" means the person whose conviction or sentence is under  
55 review.

56 (3) "Conviction Integrity Unit" means a program established by a prosecution agency

57 to conduct extrajudicial, fact-based reviews of criminal convictions and sentences.

58 (4) "Establishing office" means the prosecution agency establishing a conviction  
 59 integrity unit.

60 (5) "Factually innocent" means the same as that term is defined in Section  
 61 78B-9-401.5.

61a Ĥ→ (6) "Legitimacy" means consistent with the United States and Utah constitutions,  
 61b federal and state law, and all rules and principles of a fair and just legal system. ←Ĥ

62 Ĥ→ [(6)] (7) ←Ĥ "Newly discovered material evidence" means the same as that term is  
 62a defined in  
 63 Section 78B-9-401.5.

64 Ĥ→ [(7)] (8) ←Ĥ "Petitioning prosecutor" means the prosecutor who files a civil petition  
 64a seeking  
 65 relief under this part.

66 Ĥ→ [(8)] (9) ←Ĥ "Prosecution agency" means a county attorney, district attorney, the Office  
 66a of the  
 67 Attorney General, or other prosecution agency.

68 Ĥ→ [(9)] (10) ←Ĥ "Significant" or "significantly likely," for purposes of this part, means to a  
 68a large  
 69 degree or of a noticeably or measurably large amount.

70 Section 3. Section **78B-9-503** is enacted to read:

71 **78B-9-503. Conviction Integrity Unit.**

72 (1) A prosecution agency may establish a conviction integrity unit to investigate:

73 (a) plausible allegations of factual innocence;

74 (b) newly discovered material evidence; or

75 (c) information discovered or received by the prosecution agency after trial, judgment  
 76 of conviction, or sentencing that:

77 (i) if disclosed to the convicted person prior to trial, judgment of conviction, or  
 78 sentencing, would have resulted in a significant probability that the result would have been  
 79 different; or

80 (ii) significantly calls into question the Ĥ→ [integrity] legitimacy ←Ĥ of the jury verdict,  
 80a judgment of  
 81 conviction, or sentence.

82 (2) A conviction integrity unit may review a conviction or sentence if the conviction  
 83 and sentence:

84 (a) (i) occurred within the judicial district of the establishing office; and

85 (ii) was prosecuted by the establishing office or another prosecution agency under the  
 86 direct control and supervision of the establishing office; or⊕

87

☛(b) (i) occurred within a different judicial district or was prosecuted by another

150 and all other documents filed in support, and advise the victim or the victim's representative of  
 151 the victim's right to be heard by the court under Subsection ~~H→~~ [(12)] (13) ←H ; and

152 (c) if the underlying conviction was a felony offense, notify the Office of the Attorney  
 153 General, in writing, that the petition has been filed and provide the attorney general with a copy  
 154 of the petition and all other documents filed in support.

155 (11) If a petition is filed pursuant to Subsection (7), the Office of the Attorney General  
 156 has standing to intervene as of right and to participate as a party in the district court proceeding  
 157 if:

158 (a) the convicted person submitted an application under Subsection 3(a) requesting  
 159 review of the person's conviction or sentence by the conviction integrity unit;

160 (b) the conviction integrity unit undertook review of the convicted person's conviction  
 161 or sentence as a result of the convicted person's application; and

162 (c) the Office of the Attorney General reasonably believes the relief requested by the  
 163 petitioning prosecutor would be barred if the petition were filed or the relief were requested  
 164 directly by the convicted person under ~~H→~~ [Subsection (3)] Part 1, General Provisions ←H .

165 (12) Upon review of the petition, the district court may:

166 (a) dismiss the petition as provided in Subsection (14);

167 (b) require that additional evidence be submitted;

168 (c) conduct an evidentiary hearing; or

169 (d) grant the relief requested by the petitioning prosecution agency, or any other relief  
 170 expressly permitted by this part, if by a preponderance of the evidence the petition presents:

171 (i) bona fide and compelling evidence that the convicted person is significantly likely  
 172 to be factually innocent;

173 (ii) bona fide and compelling newly discovered material evidence; or

174 (iii) bona fide and compelling information discovered or received by the petitioning  
 175 prosecution agency after the trial, judgment of conviction, and sentencing that:

176 (A) if disclosed to the convicted person prior to trial, judgment of conviction, or  
 177 sentencing, would have resulted in a significant probability that the result would have been  
 178 different; or

179 (B) ~~H→~~ [substantially] significantly ←H calls into question the

179a ~~H→~~ [integrity] legitimacy ←H of the jury verdict, judgment of  
 180 conviction, or sentence.