

H.B. 439

POSTCONVICTION REMEDIES AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

MARCH 6, 2020 8:09 AM

Representative **Steve Waldrip** proposes the following amendments:

1. *Page 1, Line 26 through Page 2, Line 28:*

26 affirmed to proceed without counsel or dismissing the petitioner's postconviction

27 action; ~~{and}~~

= ▶ **requires legislative approval of a request for certification to apply expedited habeas corpus procedures in capital cases; and**

28 ▶ makes technical and conforming changes.

2. *Page 2, Line 42:*

42 78B-9-402, as last amended by Laws of Utah 2013, Chapter 46

ENACTS:

78B-9-203, Utah Code Annotated 1953

3. *Page 10, Lines 276 through 278:*

276 previously filed post trial motion or [~~postconviction~~] post-conviction proceeding.

Section 6. Section **78B-9-203** is enacted to read:

78B-9-203. Legislative approval of request for Special Habeas Corpus Procedures in Capital Cases.

The Legislature shall approve by joint resolution any request by the state for certification to apply expedited habeas corpus procedures in capital cases under 28 U.S.C. Secs. 2261 through 2266 before the state makes the request.

277 Section ~~{6}~~ 7 . Section **78B-9-301** is amended to read:

278 78B-9-301. Postconviction testing of DNA -- Petition -- Sufficient allegations --

****Renumber remaining sections accordingly.**