

By Senator Bracy

11-00095-20

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1 A bill to be entitled  
2 An act relating to conviction integrity review units;  
3 creating s. 27.272, F.S.; requiring the state attorney  
4 of each judicial circuit to establish a conviction  
5 integrity review unit and an independent review panel  
6 within the state attorney's office; specifying  
7 membership of the independent review panel;  
8 authorizing an incarcerated person to submit a  
9 petition to the state attorney's office requesting  
10 that a unit review his or her conviction; requiring  
11 the state attorney's office to determine the form of  
12 the petition and the petition's contents; specifying  
13 the types of convictions that units are authorized to  
14 review; requiring the unit to initiate an  
15 investigation if certain conditions are met; requiring  
16 the unit to present its findings and recommendations  
17 to the independent review panel; requiring the unit to  
18 make a final recommendation regarding the petitioner's  
19 conviction to the state attorney under certain  
20 circumstances; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Section 27.272, Florida Statutes, is created to  
25 read:

26 27.272 Conviction integrity review units; petition process;  
27 investigations and recommendations.-

28 (1) (a) The state attorney of each judicial circuit shall  
29 establish a conviction integrity review unit within the state

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30 attorney's office for the purpose of investigating whether  
31 defendants have been wrongly convicted.

32 (b) The state attorney shall also create an independent  
33 review panel for the purpose of reviewing the conviction  
34 integrity review unit's findings and recommendations. The  
35 independent review panel shall consist of three people appointed  
36 by the state attorney who are not employees of the state  
37 attorney's office.

38 (2) An incarcerated person may submit a petition to the  
39 state attorney's office requesting that a conviction integrity  
40 review unit review his or her conviction. The form of the  
41 petition and its contents shall be determined by the office.

42 (3) The conviction integrity review unit may review a  
43 conviction only if:

44 (a) The conviction was a felony conviction that occurred  
45 within the judicial circuit of the state attorney's office;

46 (b) The petitioner has presented a plausible claim of  
47 actual innocence which is:

48 1. Supported by information or evidence not previously  
49 litigated before the original trier of fact; and

50 2. Capable of being investigated and resolved; and

51 (c) The petitioner's direct appeal has become final, a  
52 mandate was issued, and there is no pending litigation relating  
53 to the conviction.

54 (4) (a) If a petition includes a conviction that meets the  
55 requirements of subsection (3), the unit must initiate an  
56 investigation to determine whether the petitioner was convicted  
57 of an offense that he or she did not commit.

58 (b) Once the investigation is complete, the unit shall

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59 present its findings and recommendations to the independent  
60 review panel. If the independent review panel agrees with the  
61 findings and recommendations, the unit shall make a final  
62 recommendation regarding the petitioner's conviction to the  
63 state attorney.

64 Section 2. This act shall take effect October 1, 2020.