



SENATE OF PENNSYLVANIA BILL SUMMARY

Senate Bill 1261 Printer's No. 1831

Prime Sponsor: Senator Greenleaf
Committee: Judiciary

SYNOPSIS:

This bill amends Title 42 (Judiciary and Judicial Procedure) to extend the time frame for the filing of certain Post Conviction Relief Act petitions.

SUMMARY:

Eligibility

In order to be eligible for post-conviction relief, current law requires that the petitioner plead and prove by a preponderance of the evidence that he or she was convicted of a crime, and is currently incarcerated, on probation or parole, or serving a sentence which must expire before the person may commence serving the disputed sentence. If the petitioner meets those criteria, then the petitioner must demonstrate that his or her rights were violated in certain enumerated ways (*e.g.*, ineffective assistance of counsel, an unlawfully induced guilty plea, a sentence greater than the allowable maximum). This bill removes the requirement that the petitioner be currently serving the sentence.

Time for filing petition

The general rule in current law is that a post-conviction relief petition must be filed within one year after the date when the judgment is final, unless the petitioner can show certain exceptions (*e.g.*, interference by the government, the facts supporting the petition could not have been discovered with reasonable diligence, a court ruling clarifies a constitutional right after the expiration of the one-year time frame and the right applies retroactively).

Under current law, if the petitioner invokes an exception to the one-year deadline, then the petition must be "filed within 60 days of the date the claim could have been presented." This bill changes the time period for filing under an exception to "one year of the date when the grounds for the exception were discovered or reasonably could have been discovered."

EFFECTIVE DATE:

This bill is effective in 60 days.

BILL HISTORY:

None.

Prepared by: Cawley 6/2/2016