

WHAT IS HOUSE BILL 675?



HB 675 is a chaotic overhaul of post-conviction procedures that will make it almost impossible for any more innocent people to be exonerated. It is a complicated, 17-page bill that amends 12 articles to the Code of Criminal Procedure, that the Attorney General is attempting to quickly pass without scrutiny or input from practitioners of postconviction law.

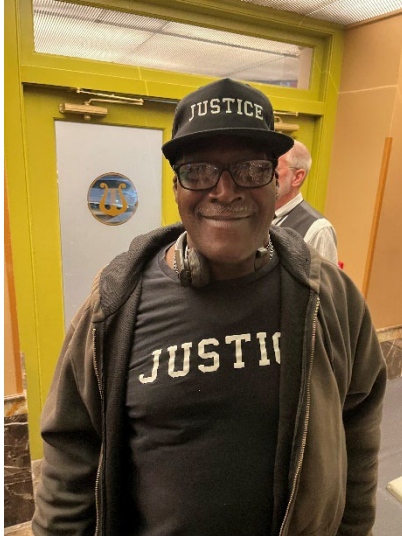
HB 675 adopts the civil procedural rule of abandonment, but in a far harsher form to deny people their right to enter court to fight for their freedom. Under HB 675, a case is considered abandoned two years after the conviction becomes final. Almost all innocent people find proof of innocence more than two years after their convictions become final. Innocent people would be “deemed” to have abandoned their petitions years before they could have filed them.

Under HB 675, innocent people in prison would have to overcome an impossible standard to have evidence of innocence considered. HB 675 creates a presumption that the State is prejudiced if there is any kind of delay of 2 years, and the claim must be dismissed. This strict rule takes no account of evidence of innocence being discovered after two years, evidence being withheld by the State, or when the two-year delay is caused by the State.

WHO WILL BE HARMED BY HB 675?

Almost every innocent people in prison will be blocked from presenting new evidence of their innocence after they find it. Here are some examples of exonerated people who would never have been able to get out of prison if HB 675 had been law at the time:

MALCOLM ALEXANDER: 38 years in prison



Malcolm was convicted of a rape based on a single eyewitness identification by a witness who was initially tentative. His conviction became final in 1982. He was sentenced to life without parole. In 2016, DNA testing of hairs left at the crime scene by the perpetrator excluded Malcolm as the source. In 2017 he filed for post-conviction relief based on the DNA results and in 2018 his conviction was vacated. If HB 675 was the law in 2017, Malcolm's application for post-conviction relief would have been deemed abandoned in 1984, 32 years before the DNA testing was completed in this case (and four years before forensic DNA testing had been used in any case anywhere in the world). Malcolm would have also had to try to rebut the presumption the State was prejudiced by the delay, even though he had been trying to get forensic testing for decades.

If HB 675 was the law, Malcolm would have remained serving his life sentence even after he proved his innocence.

JOHN THOMPSON: 14 years on death row



John was convicted of attempted armed robbery and first-degree murder and sentenced to death. His conviction and death sentence became final in 1988. In 1999, an investigator discovered hidden blood typing evidence that proved him innocent of the armed robbery and led to his exoneration in the murder case. One of the prosecutors had given a death bed confession to having hidden the evidence. If HB 675 was the law in 1999, John's application for post-conviction relief would have been deemed abandoned in 1990 even though police and prosecutors were still hiding evidence from him. He would also have to try and rebut the presumption the State was prejudiced by the delay even though a prosecutor deliberately hid the evidence.

If HB 675 was the law, John would have been executed for a crime he did not do.

HOW CAN I HELP?

TAKE ACTION!

1. **We urge all Louisianans to contact their legislators and urge a NO vote on HB 673 and HB 675.**

For help identifying your representative, input your street address here:
<https://legis.la.gov/legis/FindMyLegislators.aspx>

2. **Email AND call the authors of HB 673 and HB 675 and tell them their bills hurt innocent people.**

Author of HB 673, Representative Nicholas Muscarello (R-Hammond): (985) 974-0009;
muscarellon@legis.la.gov

Author of HB 675, Representative Brian Glorioso (R-Slidell): (985) 960-4251;
hse090@legis.la.gov

3. **Learn more about it.**

Read the Legislation:

HB 673 <https://legis.la.gov/legis/ViewDocument.aspx?d=1408182>

HB 675 <https://legis.la.gov/legis/ViewDocument.aspx?d=1408188>