

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

House Committee on Judiciary

REVENUE: No revenue impact

FISCAL: No fiscal impact

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Jeff Rhoades, Counsel

Meeting Dates: 3/5

WHAT THE MEASURE DOES: Allows court in post-conviction relief proceeding, upon joint motion of the parties, to vacate judgment and order and remand proceeding to circuit court to reconsider judgment or order. Gives jurisdiction to circuit court to enter revised judgment or order upon remand.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Currently, there is no mechanism in the law to allow for a settlement of post-conviction relief cases that have been appealed out of circuit court. House Bill 2380 gives the parties to such an action the ability to ask the circuit court for a revised judgment in order to settle the appeal.