

Senate Bill 507

By: Senators Jordan of the 6th, Merritt of the 9th, Jackson of the 41st, Sims of the 12th and
Au of the 48th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to
2 sentence and punishment relative to criminal procedure, so as to provide for a conviction
3 integrity unit; to provide for an independent review panel and its members; to provide for
4 petition requirements; to provide for findings and recommendations; to provide for related
5 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to sentence and
9 punishment relative to criminal procedure is amended by adding a new Code section to read
10 as follows:

11 "17-10-22.

12 (a) The Attorney General shall establish a conviction integrity unit for the purpose of
13 investigating whether defendants have been wrongly convicted.

14 (b) The Attorney General shall create an independent review panel for the purpose of
15 reviewing the conviction integrity unit's findings and recommendations. The independent

16 review panel shall consist of three individuals appointed by the Attorney General who are
17 not employees of his or her office.

18 (c) An incarcerated person may submit a petition to the Attorney General requesting that
19 the conviction integrity unit review his or her conviction. An entered guilty plea or a
20 waiver to the right to an appeal shall not prohibit such person from seeking review of a
21 conviction by the conviction integrity unit. The form of the petition and its contents shall
22 be determined by the Attorney General's office.

23 (d) The conviction integrity unit may review a conviction only if:

24 (1) The conviction was a felony conviction;

25 (2) The petitioner has presented a plausible claim of actual innocence which is:

26 (A) Supported by information or evidence not previously litigated before the original
27 trier of fact; and

28 (B) Capable of being investigated and resolved; and

29 (3) The petitioner's direct appeal has become final, a mandate was issued, and there is
30 no pending litigation relating to the conviction.

31 (e)(1) If a petition includes a conviction that meets the requirements of subsection (d),
32 the unit must initiate an investigation to determine whether the petitioner was convicted
33 of an offense that he or she did not commit.

34 (2) Upon completion of the investigation, the conviction integrity unit shall present its
35 findings and recommendations to the independent review panel. If the independent
36 review panel concurs with such findings and recommendations, the conviction integrity
37 unit shall make a final recommendation regarding the petitioner's conviction to the
38 Attorney General."

39 **SECTION 2.**

40 This Act shall become effective on July 1, 2022.

41 **SECTION 3.**

42 All laws and parts of laws in conflict with this Act are repealed.