

2088

Sponsor(s): Representatives Lambert and Cairnes

Brief Title: Placing limitations on collateral attacks on judgments.

**HB 2088 - DIGEST**

Provides that: (1) Collateral challenges to convictions impose trauma on victims of crime, interfere with rehabilitation, and place a continuing burden on courts and public officials. It is therefore the intent of the legislature to allow such challenges only when the conviction constitutes a clear miscarriage of justice;

(2) multiple petitions challenging the same conviction are both especially burdensome and unlikely to raise valid issues. It is the intent of the legislature that such petitions will be allowed only under rare and carefully defined circumstances;

(3) a judgment that was upheld on direct appeal or that was not appealed is presumed valid. The right to challenge such a judgment arises only from statute. A person who has been convicted of a crime, which was upheld on appeal, has no constitutional right to challenge a facially valid judgment.