

117TH CONGRESS
1ST SESSION

S. 2772

To provide Federal support to entities performing reviews of wrongful convictions.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2021

Ms. KLOBUCHAR (for herself and Mr. CORNYN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To provide Federal support to entities performing reviews
of wrongful convictions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Conviction Integrity
5 Act of 2021”.

6 **SEC. 2. GRANT PROGRAMS TO ENSURE CASE REVIEW, REP-**
7 **RESENTATION, AND PROVIDE POST-CONVIC-**
8 **TION RELIEF.**

9 (a) PURPOSE.—The Attorney General shall admin-
10 ister grant programs within the Bureau of Justice Assist-

1 ance, to encourage the review of possible cases of wrongful
 2 conviction and facilitate post-conviction relief by estab-
 3 lishing or expanding State and local conviction integrity
 4 units and by providing high-quality representation for de-
 5 fendants litigating post-conviction claims of innocence.

6 (b) CONVICTION INTEGRITY UNIT GRANTS.—

7 (1) ELIGIBLE ENTITY DEFINED.—In this sub-
 8 section, the term “eligible entity” means a prosecu-
 9 tor’s office or a State attorney general’s office that
 10 may work in partnership with a nonprofit organiza-
 11 tion, law school innocence clinic, or public defender’s
 12 office dedicated to receiving petitions for or review-
 13 ing wrongful convictions and wrongful sentences.

14 (2) AUTHORIZATION.—The Attorney General,
 15 acting through the Director of the Bureau of Justice
 16 Assistance, shall make grants to eligible entities for
 17 the purpose of creating State and local conviction in-
 18 tegrity units or entities.

19 (3) APPLICATION REQUIREMENTS.—Each appli-
 20 cation for a grant under this subsection shall—

21 (A) demonstrate a plan by the applicant to
 22 create, maintain, or expand a State or local
 23 conviction integrity unit with the intention to
 24 conduct substantive, evidence-based conviction
 25 review;

1 (B) develop a tool to survey or conduct
2 focus groups with community members, non-
3 profit organizations, or public defender offices
4 dedicated to receiving petitions for or reviewing
5 wrongful convictions, and existing local Convic-
6 tion Integrity Units in order to identify—

7 (i) the needs of individuals or their
8 counsel seeking review of their convictions
9 or sentences; and

10 (ii) the needs of existing local convic-
11 tion integrity units and non-profit organi-
12 zations or public defender's offices dedi-
13 cated to receiving petitions for or reviewing
14 wrongful convictions;

15 (C) use the information gathered under
16 subparagraph (B) and conviction integrity unit
17 best practices to advise procedural conduct in
18 conviction review;

19 (D) develop procedures to ensure that con-
20 viction integrity unit is able to operate inde-
21 pendently in rules and practice from the other
22 units within the district attorney's offices or
23 any prosecutors previously involved with the
24 case;

1 (E) in the case of a prosecutor's office that
 2 cannot meet the requirement in subparagraph
 3 (D) because of the size of the office, provide a
 4 written policy detailing reasonable steps that
 5 shall be taken to preserve independence and
 6 ethical integrity during the investigation;

7 (F) allow for meaningful participation in
 8 the review process by petitioner's counsel; and

9 (G) develop victim notification procedures
 10 for final exonerations as appropriate.

11 (4) PREFERENCE.—In awarding grants under
 12 this subsection, the Attorney General shall give pref-
 13 erence to applicants who demonstrate a partnership
 14 with a nonprofit organization, law school innocence
 15 clinic, or public defender's office dedicated to receiv-
 16 ing petitions for or review wrongful convictions and
 17 wrongful sentences.

18 (5) AUTHORIZATION OF APPROPRIATIONS.—
 19 There are authorized to be appropriated
 20 \$10,000,000 for each of fiscal years 2022 through
 21 2027 to carry out this subsection, of which not more
 22 than 5 percent of the grant funding shall be used for
 23 training and technical assistance for grantees.

24 (c) WRONGFUL CONVICTION REVIEW GRANTS.—

1 (1) ELIGIBLE ENTITY DEFINED.—In this sub-
2 section, the term “eligible entity” means a non-prof-
3 it organization, institution of higher education, or
4 State or local public defender office that has in-
5 house post-conviction representation programs that
6 show demonstrable experience or competence in liti-
7 gating post-conviction claims of innocence.

8 (2) AUTHORIZATION.—The Attorney General
9 shall establish a wrongful conviction review grant
10 program and award grants to eligible entities for the
11 purpose of providing high-quality post-conviction
12 representation for defendants in post-conviction
13 claims of innocence.

14 (3) USE OF FUNDS.—A grant awarded under
15 this subsection shall be used to support an eligible
16 entity in providing—

17 (A) post-conviction legal representation of
18 innocence claims;

19 (B) case review, evaluation, and manage-
20 ment;

21 (C) experts;

22 (D) potentially exonerative forensic testing;

23 and

24 (E) investigation services related to sup-
25 porting these post-conviction innocence claims.

1 (4) AUTHORIZATION OF APPROPRIATIONS.—
2 There are authorized to be appropriated
3 \$30,000,000 for each of fiscal years 2022 through
4 2027 to carry out this subsection.

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