

Post-Conviction Relief (PCR)

PCR is a legal procedure that allows individuals who are wrongfully convicted to seek relief from convictions. Common grounds for PCR include claims of ineffective assistance of counsel, newly discovered evidence, prosecutorial misconduct, or a violation of constitutional rights. When the criminal justice system makes mistakes by wrongfully convicting individuals, it is essential for individuals who are wrongfully convicted to have the right to challenge convictions.

Wrongful convictions produce devastating consequences including:

Wrongfully convicted individuals may lose years or even decades of their life behind bars - separated from family, unable to pursue career or educational opportunities - and suffer physical and psychological harm.

Family and loved ones of wrongfully convicted individuals may endure significant emotional and financial hardship due to losing a primary breadwinner, experiencing the stress and heartache of separation, and suffering damage to their reputation.

Actual perpetrators remain free, possibly continuing to commit crimes and placing others at risk.

Victims of the original crime and their families are often re-traumatized when they discover that the wrong person has been convicted and may feel a renewed sense of vulnerability and a loss of faith in the justice system.

Community and society at large may lose confidence in the justice system and rule of law.

Law enforcement and prosecution that produce wrongful convictions undermine the integrity of the criminal justice system.

The consequences of wrongful convictions for immigrants can be even worse, leading to deportation and other immigration-related penalties.

Minnesota's PCR law is in Minnesota Statutes Chapter 590 (<https://www.revisor.mn.gov/statutes/cite/590>). The main problem with the current law is, subject to limited exceptions, a petition for PCR must be filed within two years after entry of judgment of conviction or end of an appeal. In other words, in most cases, wrongfully convicted individuals lose the right to challenge wrongful convictions after two years.

JCA is working with coalition partners to revise Minnesota Statutes Section 590.01 covering availability and conditions for PCR. The main purpose of the revision is to eliminate the two-year limitation to petition for PCR.

The PCR coalition is developing and implementing a strategy to revise Minnesota's PCR law. Initial steps include drafting language for the revised law and identifying legislators willing to

author and champion the revised law. Based on completing initial steps, it will be essential to build further support for the revised law. JCA members interested in supporting this important work can do that by identifying others to support the work and contacting their legislatures – JCA leaders will provide ongoing guidance for those efforts.