

1 AMENDMENT TO SENATE BILL 1440

2 AMENDMENT NO. _____. Amend Senate Bill 1440 as follows:
3 on page 2, line 17, by inserting after the period the
4 following:

5 "Leave of court may be granted only if a petitioner
6 demonstrates cause for his or her failure to bring the claim
7 in his or her initial post-conviction proceedings and
8 prejudice results from that failure. For purposes of this
9 subsection (f): (1) a prisoner shows cause by identifying an
10 objective factor that impeded his or her ability to raise a
11 specific claim during his or her initial post-conviction
12 proceedings; and (2) a prisoner shows prejudice by
13 demonstrating that the claim not raised during his or her
14 initial post-conviction proceedings so infected the trial
15 that the resulting conviction or sentence violated due
16 process.".