

A BILL

This bill amends Federal post-conviction procedures to permit certain successive motions under 28 U.S.C. 2255(h) based on intervening, retroactive Supreme Court decisions of statutory interpretation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as “_____”.

SEC. 2. AMENDING 28 U.S.C. 2255.

Section 2255 of Title 28, United States Code is amended in subsection (h)

(1) in paragraph (1), by striking “or”;

(2) in paragraph (2), by adding “recognized and” before “made retroactive to cases on collateral review,” and by striking the period at the end and inserting “or,” followed by a semicolon; and

(3) by adding at the end the following:

“(3) a new interpretation of a federal criminal statute, recognized and made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable and that establishes that the movant was either—

“(A) convicted of a criminal offense based on conduct that the statute did not proscribe; or

“(B) sentenced to a term of imprisonment that—

“(i) exceeded the statutory maximum sentence for the offense of conviction;

or

“(ii) was at, and did not exceed, a statutory minimum sentence that should not have applied.”

SEC. 3. TIMELINESS

A motion filed under Section 2255(h)(3) of Title 28, as amended by this act, shall be timely if it is filed—

(a) within one year of the date of enactment of this act; or

(b) within the time periods set forth in Section 2255(f) of Title 28.