

Committee on Judiciary

CS/HB 227 — Victims of Wrongful Incarceration

by Criminal Justice Subcommittee; Rep. Kerner and others (CS/CS/SB 326 by Rules Committee; Judiciary Committee; and Senator Thompson)

The existing Victims of Wrongful Incarceration Act (?Act?) provides an administrative process for persons who have been found to have been wrongfully incarcerated to qualify for and receive compensation. Among the conditions for eligibility, an applicant must provide a copy of a court order vacating his or her conviction and sentence.

This bill provides a limited expansion of the Act for those persons who cannot obtain the court order. Under the bill, a person who has been wrongfully incarcerated can qualify for compensation if:

- The person was convicted and sentenced to death on or before December 31, 1979;
- A Governor issued an executive order appointing a special prosecutor to review the conviction;
- The special prosecutor entered a nolle prosequi, or a dismissal of the charges for which the defendant was convicted and sentenced to death; and
- The wrongfully incarcerated person applies for compensation by July 1, 2016.

An applicant for compensation must comply with all other requirements of the Act.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 38-0; House 116-0