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CHAMBER ACTION

Senate

House

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Floor: WD/3R
4/23/2008 10:36 AM

1 Senator Siplin moved the following amendment:

3 Senate Amendment (with title amendment)

4 Delete line(s) 415 and 416,
5 and insert:

6 Section 8. The Legislature finds that creating a program to
7 compensate, using state funds, individuals who are wrongfully
8 incarcerated serves an important public purpose. The Legislature
9 further finds, however, that using solely state funds to provide
10 the compensation may not be equitable or fiscally responsible if
11 the wrongful incarceration results, in whole or in part, from
12 misconduct, abuse of discretion, or gross negligence on the part
13 of law enforcement, prosecutors, judges, or others in the
14 criminal justice system. In those cases, the Legislature finds
15 that consideration should be given to a policy of having costs of
16 compensation shared with or fully borne by those whose
17 misconduct, abuse of discretion, or gross negligence resulted in



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18 the wrongful incarceration. To that end, the Legislature shall
 19 monitor and study implementation of the Victims of Wrongful
 20 Incarceration Compensation Act to evaluate, based on, among other
 21 things, the records available from each case funded under the act
 22 and the application materials, the extent to which payments made
 23 under the act result from misconduct, abuse of discretion, or
 24 gross negligence on the part of officials in the criminal justice
 25 system. The study shall explore the feasibility of, and legal
 26 issues related to, revising the Victims of Wrongful Incarceration
 27 Compensation Act in a manner that provides for the costs of
 28 compensation to be shared with or borne by those officials in
 29 their individual capacities. At a minimum, the study shall
 30 consider whether civil remedies are available or could be created
 31 which the wrongfully incarcerated person could pursue before
 32 seeking compensation under the act or after being awarded
 33 compensation, with the state having a right to share in any
 34 recovery in order to recoup state expenditures. The Legislature
 35 shall complete the study before January 1, 2011.

36
 37 (Redesignate subsequent sections.)

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 39

40 ===== T I T L E A M E N D M E N T =====

41 And the title is amended as follows:

42 On line 51, after the semicolon
 43 and insert:

44 providing legislative findings; providing for a study of
 45 implementation of the act and the feasibility of sharing
 46 program costs with certain officials in the criminal
 47 justice system;