

FIRST REGULAR SESSION

HOUSE BILL NO. 1130

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LOW (39) (Sponsor), OXFORD, TALBOY, JOHNSON,
NASHEED, CURLS, WRIGHT-JONES, YAEGER, EL-AMIN, LOWE (44), HUGHES,
BLAND AND HOLSMAN (Co-sponsors).

Read 1st time March 14, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2657L.01I

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to compensation for wrongful imprisonment.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be
2 known as section 537.780, to read as follows:

**537.780. 1. Notwithstanding the provisions of any other law, any person convicted
2 and subsequently imprisoned for one or more crimes for which it is later established that
3 such person did not commit such crimes may, in accordance with the provisions of this
4 section, apply for compensation to the state attorney general's office and the committee on
5 compensation for wrongful conviction.**

6 2. Such person, hereinafter referred to as the claimant, shall be eligible if:

- 7 (1) The claimant was convicted and sentenced to death, and subsequently released
8 by the state; and
9 (2) The claimant was pardoned by the governor; or
10 (3) The conviction is vacated or reversed on grounds consistent with innocence; or
11 (4) The claimant was found guilty in a retrial; or
12 (5) The government refused to retry the claimant when retrial was granted; or**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 **(6) Any other judicial or executive order indicating the claimant was not guilty of**
14 **the offense.**

15 **3. A state caseworker shall coordinate with the claimant's attorney to arrange for**
16 **emergency assistance for thirty days upon release from a correctional institution. Within**
17 **thirty days of release, the state caseworker, in conjunction with the claimant who may**
18 **receive the assistance of an advocate, shall complete an assessment of loss and needs and**
19 **a community integration plan. A hearing shall be held before the committee on**
20 **compensation for wrongful conviction to approve the recommendations of the state**
21 **caseworker for compensation. The claimant may appeal the committee's award of**
22 **compensation to the victim's compensation board within the department of corrections.**

23 **4. (1) Compensation shall include reasonable and necessary expenses in order to**
24 **integrate the claimant back into society. Such need shall be determined by the loss and**
25 **needs assessment and the community integration plan. There shall not be a cap on the**
26 **amount of such compensation.**

27 **(2) In addition to the compensation awarded under subdivision (1) of this**
28 **subsection, the claimant shall be entitled to receive reasonable attorney fees.**

29 **5. A person shall not be eligible to file a claim for compensation under this section**
30 **if the sentence for the crime for which it is later established that such person did not**
31 **commit such crime was served concurrently with a sentence for the conviction of another**
32 **crime.**

33 **6. The provisions of this section providing for compensation and attorney fees shall**
34 **be made through the state attorney general's office.**

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