

HB 1092 -- WRONGFUL CONVICTION

SPONSOR: Bosley

Currently, a person who was wrongfully convicted and subsequently exonerated through DNA evidence may receive restitution for every day the person was incarcerated for the wrongful conviction. However, the person has no civil cause of action. This bill repeals the language regarding restitution and provides a civil cause of action for any person who was incarcerated for a wrongful conviction, regardless of how that person was subsequently exonerated.

Money in the State Legal Expense Fund must be available for the payment of any claim or amount required by any final judgment rendered by a court of competent jurisdiction for the purposes of paying judgments arising from claims for wrongful convictions.

Damages for such claims will be \$179 per day for every day of wrongful incarceration, up to \$65,000 per fiscal year, as well as at least \$25,000 for each additional year served on parole or post-release supervision or each year the person was required to register as a sexual offender. A person will not receive compensation for any period of incarceration, served concurrently, for a conviction for a different offense for which he or she was lawfully incarcerated. The bill also specifies how payments will be made to a claimant. A person who receives a monetary judgment as specified in this bill shall also receive a certificate of innocence and, upon entry of a certificate of innocence, the court must order the expungement and destruction of the associated biological samples authorized by and given to the State Highway Patrol.

A person who receives a monetary judgment as specified in the bill will also be entitled to receive a tuition waiver for attendance at an institution of higher education for up to 120 credit hours. The Department of Higher Education may make expenditures to reimburse individuals awarded tuition assistance for additional fees. To remain eligible for the tuition and fees waiver as specified in this section, a person must remain in good standing at the public institution of higher education where the individual is enrolled.

This bill is the same as HB 2361 (2020).