

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Line 10, by inserting after the word "innocent." the following:

"The individual may receive an amount of seventy dollars per day for each day such individual is under the supervision of the parole board or required to register as an offender under section 589.414 for the offense for which the individual is determined to be actually innocent."; and

Further amend said amendment and page, Lines 29-30, by deleting said lines and inserting in lieu thereof the words "section 650.058."; and

Further amend said amendment, Page 2, Line 38, by deleting said line and inserting in lieu thereof the following:

"may have a record of the conviction and arrest.

5. (1) If, at the time of the award of restitution referred to in subsection 1 of this section, the claimant has won a monetary award against the state or any political subdivision thereof in a civil action related to the same subject, or has entered into a settlement agreement with the state or any political subdivision thereof related to the same subject, the amount of the award in the action or the amount received in the settlement agreement, less any sums paid to attorneys or for costs in litigating the other civil action or obtaining the settlement agreement, shall be deducted from the sum of moneys to which the claimant is entitled under this section.

(2) If subdivision (1) of this subsection does not apply and if, after the time of the award of restitution referred to in subsection 1 of this section, the claimant wins a monetary award against the state or any political subdivision thereof in a civil action related to the same subject, or enters into a settlement agreement with the state or any political subdivision thereof related to the same subject, the claimant shall reimburse the state for the sum of moneys paid under the award of restitution referred to in subsection 1 of this section, less any sums paid to attorneys or for costs in litigating the other civil action or obtaining the settlement agreement. A reimbursement required under this subsection shall not exceed the amount of the monetary award the claimant wins for damages in the other civil action or the amount received in the settlement agreement."; and

Further amend said amendment, Page 3, Line 37, by inserting after the word "innocent." the following:

Action Taken _____ Date _____

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2 "The individual may receive an amount of seventy dollars per day for each day such
3 individual is under the supervision of the parole board or required to register as an offender under
4 section 589.414 for the offense for which the individual is determined to be actually innocent."; and
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6 Further amend said amendment, Page 4, Lines 16-18, by deleting said lines and inserting in lieu
7 thereof the following:
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9 ~~"[Any individual who receives restitution under this section shall be prohibited from seeking~~
10 ~~any civil redress from the state, its departments and agencies, or any employee thereof, or any~~
11 ~~political subdivision or its employees.]~~ This section shall not be construed as a waiver of sovereign
12 immunity"; and
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14 Further amend said amendment, Page 5, Line 30, by deleting said line and inserting in lieu thereof
15 the following:
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17 "restitution under this section.

18 7. (1) If, at the time of the award of restitution referred to in subsection 1 of this section, the
19 claimant has won a monetary award against the state or any political subdivision thereof in a civil
20 action related to the same subject, or has entered into a settlement agreement with the state or any
21 political subdivision thereof related to the same subject, the amount of the award in the action or the
22 amount received in the settlement agreement, less any sums paid to attorneys or for costs in
23 litigating the other civil action or obtaining the settlement agreement, shall be deducted from the
24 sum of moneys to which the claimant is entitled under this section.

25 (2) If subdivision (1) of this subsection does not apply and if, after the time of the award of
26 restitution referred to in subsection 1 of this section, the claimant wins a monetary award against the
27 state or any political subdivision thereof in a civil action related to the same subject, or enters into a
28 settlement agreement with the state or any political subdivision thereof related to the same subject,
29 the claimant shall reimburse the state for the sum of moneys paid under the award of restitution
30 referred to in subsection 1 of this section, less any sums paid to attorneys or for costs in litigating the
31 other civil action or obtaining the settlement agreement. A reimbursement required under this
32 subsection shall not exceed the amount of the monetary award the claimant wins for damages in the
33 other civil action or the amount received in the settlement agreement."; and"; and
34

35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.
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38 THIS AMENDMENT AMENDS 3386H08.03H.