

Oppose SB 98 - Wrongful Imprisonment Compensation

Sponsor: _____

This bill has good intentions in providing compensation for people acquitted of crimes for which they have been convicted. Twenty-eight other states have such a law. However, a careful read of this bill shows major flaws that need correcting through edits or rewrites. Let's take a look at five problem areas.

1. Sec 2 b – only plaintiff receives benefits and no one else
Others in immediate family should be compensated if the plaintiff is deceased. Weren't they economically affected and due compensation?
Why not help a legal partner and children under 18 years ?

2. Sec 4 c – decision reversal based on DNA or “equally reliable scientific or physical evidence”
What about new verbal or eye witness evidence which is not scientific or physical evidence?

Imagine person A is convicted of assaulting person B. But Person C is the actual attacker, but C is B's mother's boyfriend and liked by B's family. So B is pressured by her family to frame A as the attacker, even though A is innocent. Years later, when attacker C turns out to be a bad egg, B's family turns against C and the truth comes out. Or, say an eye witness surfaces years later and tells the truth that C is the actual attacker.

Thus, new DNA or other physical evidence is too limiting for crime acquittal and this provision must be expanded to include other soft evidence.

3. Sec 5.2 a, b, c compensation of \$60K/yr + lost income + attorney fees
Why \$60K? Does one amount fit all cases? Why not compensate commensurate with income lost? A corporate CEO's lost wages would be sufficient without \$60K. Whereas a janitor's lost wages would be as less

and a supplemental amount would be justified. Each case needs to be decided on its unique merits.

Also, paragraph a states \$60k **for each year**. What about a partial year? If incarcerated for 4 years and 10 months, is compensation only for 4 years? Of course not ! Partial years need to be prorated.

And what about taxes? Will the compensation be taxable or not ? Consider a lower amount that is tax free ?

How about child support or other legal obligations that weren't paid do to jail time. Shouldn't those innocent bystanders be made whole out of this settlement?

4. Re-entry services

After serving a full sentence, a convict is given free re-entry services to help them integrate into society. Shouldn't a wrongfully imprisoned person be entitled to the same services? No mention of this in this bill.

5. How will the State pay for this compensation? There is no mention in this bill of how this compensation will be funded. This needs to be written into the bill to guarantee payment.

In summary, SB 98 has good intentions in providing compensation for people acquitted of crimes for which they were imprisoned. However, there are at major areas that need revisions to correct this bill's inadequacies.

I strongly recommend voting NO to SB 98 until these deficiencies are corrected.