

SENATE BILL SUMMARY

Prepared by the Division of Legislative Information for the Senate Bill **AS ORIGINALLY FILED**. For more detail, see Senate Bill Analyses, if available, prepared by the Senate's professional committee staff.

SB 756 Wrongful Incarceration Compensation by Senator Joyner

Creates the "Victims of Wrongful Incarceration Compensation Act." Requires that when the courts, based on exonerating evidence, enter an order vacating a conviction and sentence, the courts determine whether the defendant was wrongfully convicted and set forth in detail the evidence on which that finding is based.

Provides that a person whose sentence and conviction were vacated before October 1, 2008, may petition the court for a determination of whether the person is a wrongfully incarcerated person if the prosecuting authority is given reasonable notice in writing that the person intends to petition the court for such finding.

Provides that a person who is found to be a wrongfully incarcerated person is entitled to monetary compensation which shall be calculated at a rate of \$100,000 for each year of incarceration, a waiver of tuition and fees for up to 120 hours of instruction, if eligible, and expunction of the person's criminal record related to this wrongful arrest, conviction, and incarceration.

Requires that an application be submitted to the Chief Financial Officer for compensation or benefits provided by this act. Requires the Department of Financial Services (DFS) to process and review each completed application within 90 calendar days. Provides that a wrongfully incarcerated person is not eligible for compensation or benefits if the person initiates the application to the DFS more than 2 years after a court determines the wrongful incarceration or the person has previously been designated as a violent career criminal. (See bill for details)