



# Representative Scott Jiu Wo Kawasaki

Alaska State Legislature

District 1 Fairbanks

## HB 118: Compensation for Wrongful Conviction and Imprisonment

### Sectional Analysis

#### Section 1.

Amends AS 44.29.20 by adding a subsection that directs the Department of Health and Social Services to establish a re-entry program to assist wrongfully convicted persons in obtaining mental health services, including treatment for post-traumatic stress disorder.

#### Section 2.

Provides that every claim of reimbursement for wrongful conviction and imprisonment shall be promptly presented to the appropriate administrative or executive officer of a department or branch for approval or payment.

#### Section 3.

- (a) Establishes that a person must file a claim with the attorney general to receive compensation, and must show by preponderance of the evidence that they were convicted of one or more offenses and served any or all of the resulting sentence and:
  - (1) either the conviction for the resulting sentence was vacated or reversed and the charges were later dismissed or the person was retried and found not guilty, or the person was pardoned.
  - (2) the person did not commit any of the crimes of which they were convicted, commit perjury, get another person to commit perjury or fabricate evidence. A false confession, admission, or guilty plea does not entitle a person to compensation for wrongful conviction.
- (b) States that compensation for wrongful convictions only extends to the specific case and does not include compensation for a concurrent sentence.
- (c) States that individuals receiving compensation for wrongful conviction will receive \$50,000 dollars for each year of imprisonment up to a lifetime total of \$2,000,000.
- (d) States that a person who has received compensation for wrongful conviction by the State of Alaska may not bring any further action to the state or municipalities regarding the same subject matter for which they have received compensation.

- (e) States that an individual must file a claim for compensation within 2 years after their exoneration, however the attorney general may authorize payment for a claim filed past that time if they determine that there is good cause for delay.
- (f) Lists social services and programs a person receiving compensation for wrongful conviction is entitled to.
  - 1) Reentry services as provided by the Department of Health and Social Services under AS 44.29.020.
  - 2) Tuition and fees at any University of Alaska campus for themselves and any children or stepchildren ages 17-26.
  - 3) 3 years of job training services through appropriate state programs.
  - 4) Up to 10 years of state funded healthcare coverage.
  - 5) Economic damages including lost wages and attorney fees.
- (g) States that all compensation provided under this section, except for awarded attorney fees, is exempt from taxation and that it may not be used to offset expenses incurred by the state in providing services to the person during their imprisonment.

#### **Section 4.**

The claimant may appeal the decision through the Department of Administration and they may obtain a judicial review of the decision. Amends AS 44.77.040(c) so that anyone who is denied a claim for wrongful conviction compensation is prevented from taking further action against the state for the same claim.

#### **Section 5.**

Claims made for compensation for wrongful convictions fall under claims and appeals procedures under AS 44.77.010- 44.77.060 even if a department or branch already has separate claims and appeals procedures.