

HB 55 Sectional Analysis

Section 1 of the bill adds wrongful conviction and imprisonment to AS 44.77.010(a) which provides for the presentation of money claims against the state to the Department of Administration.

Section 2 sets out the circumstances under which a person will be eligible for compensation for wrongful conviction and imprisonment:

AS 44.77.018(a) requires that for a person to obtain compensation, the person must first present the claim to the attorney general and show that the person was convicted of one or more offenses, was sentenced to a term of imprisonment, served part or all of the sentence, and:

- (1) That the conviction was vacated or reversed because the person was not guilty; or a pardon was granted on account of innocence and wrongful conviction
- (2) The person did not commit any of the crimes charged in the criminal action in which the person was convicted, and did not cause the conviction by committing perjury or induce another to commit perjury. A false confession or guilty plea to a crime the person did not commit is not considered a cause of conviction in this section.

AS 44.77.018(b) provides that a person is not entitled to compensation for a period of imprisonment that is served concurrently with a sentence for another offense.

AS 44.77.018(c) sets the requirement of the section at \$50,000 times the number of years of wrongful imprisonment, including fractions representing partial year, up to a maximum of \$2 million.

AS 44.77.018(d) prohibits a person who receives compensation under the section from bringing an action on the same subject matter involving the person's arrest, conviction, or length of confinement.

AS 44.77.018(e) requires that a claim must be filed within two years after the dismissal, not guilty verdict, or pardon on which the claim is based, except that the attorney general can authorize payment for a late-filed claim if the person shows good cause for the delay.

Section 3 a person making a claim from wrongful conviction and imprisonment may appeal the denial of the claim under the Administrative Procedures Act, but may not, unlike other claimants under AS 44.77.010, bring an action under AS 09.50.250 – 09.50.300 (claims against the state) if the Department of Administration fails to act under AS 44.77.

Section 4 provides that for claims for wrongful conviction and imprisonment, the claims process in AS 44.77.010 – 44.77.060 applies even if the agency to which the person applies (which in this case would be the Department of Law) has a mandatory claims procedure.