

HB

118

<TARGET><BILL>HB 118</BILL><SUBJECT>HB
118</SUBJECT><COMM>HHSS30</COMM></TARGET>



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.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: HB 118
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB118-LAW-CRIM-04-07-17
Title: COMPENSATION FOR WRONGFUL
CONVICTION
Sponsor: KAWASAKI
Requester: House Health & Social Services

Department: Department of Law
Appropriation: Criminal Division
Allocation: Criminal Justice Litigation
OMB Component Number: 2202

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates				
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Valerie Rose, Budget Analyst
Division: Administrative Services Division
Approved By: Jahna Lindemuth, Attorney General
Agency: Department of Law

Phone: (907)465-3674
Date: 04/07/2017 08:37 AM
Date: 04/07/17

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. HB 118

Analysis

This legislation allows a person to request compensation if their conviction was vacated or reversed because the person was not guilty and the charges were later dismissed or they were found not guilty upon retrial; or if the person was pardoned because of innocence or wrongful conviction. The person cannot have committed any of the crimes charged in the criminal action and they cannot have committed perjury or induced another person to commit perjury. Except for good cause, the request must be made within two years after their case is dismissed, a not guilty verdict was entered, or they were pardoned. A person who meets the requirements of this legislation is entitled to compensation in the amount of \$50,000 per year of imprisonment; the total compensation a person could receive is capped at \$2,000,000.

It is anticipated this bill will increase the number of hearings the Department of Law must participate in; however, it is unknown how many claims will be made under the parameters of this bill and thus the additional cost is indeterminate. Each claim will need to be evaluated to determine if a particular case meets the elements of the bill and if compensation is authorized. For each claim, the Department of Law would likely issue written findings supporting the Attorney General's decision. If a claim was denied, and an appeal was referred to the Office of Administrative Hearings (OAH), the cost from OAH would be \$191 per hour. Payments resulting from this legislation would be paid outside the Department of Law's operating appropriations.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: HB 118
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB118-DHSS-BHTRG-04-07-17
Title: COMPENSATION FOR WRONGFUL
CONVICTION
Sponsor: KAWASAKI
Requester: House HSS

Department: Department of Health and Social Services
Appropriation: Behavioral Health
Allocation: Behavioral Health Treatment and Recovery
Grants
OMB Component Number: 3099

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? no
If yes, by what date are the regulations to be adopted, amended or repealed? n/a

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: Randall Burns, Director
Division: Behavioral Health
Approved By: Shawnda O'Brien, Asst. Commissioner
Agency: Health and Social Services

Phone: (907)269-5948
Date: 04/03/2017 12:00 PM
Date: 04/07/17

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. HB118

Analysis

HB 118 Version A, adds a new section of law under AS 44.77, AS 44.77.018, *Claims for wrongful conviction and imprisonment*, that establishes a mechanism for people wrongfully convicted and imprisoned to file for and receive compensation in the form of cash and services for their wrongful imprisonment. One of the services to be provided in these circumstances is "reentry services," which are to be provided by the Department of Health and Social Services.

The bill defines "reentry services" to mean mental health services, including services for the treatment of Post-Traumatic Stress Disorder, and adds the duty to establish those services for persons wrongfully convicted and imprisoned to the list of statutory duties of the Department of Health and Social Services. Since reentry services currently exist and are increasing in their numbers and capacity, it will be very doable to establish specific protocols, priorities, and processes for those individuals who meet the criteria within this legislation.

Services would include those currently available to all justice-involved individuals, with special priorities and assessment of service needs to meet the unique concerns of this population. If the identified individuals are eligible for Medicaid, they will be enrolled in a timely manner. If these identified individuals are not Medicaid eligible, the health insurance identified in Section 3(f)(4) of the amended AS 44.77.018 would be the payer of first resort for the mental health treatment services provided, including Post-Traumatic Stress Disorder. Due to the language in Section 3(f)(4) of the bill, stating that the state-funded health coverage will be equivalent to medical assistance services available under AS 47.07.030, this health coverage will provide 100 percent of costs for the requested/needed mental health and Post-Traumatic Stress Disorder services provided. With this assumption, the Department of Health and Social Services determined there will be a zero fiscal note for these services and all treatment costs will be paid by Medicaid or the state-funded health coverage.

The Court System has estimated between zero to two persons per year may exercise rights under the proposed statute.



The Pew Charitable Trusts / Research & Analysis /
Stateline / What Do States Owe People Who Are
Wrongfully Convicted?

STATELINE

What Do States Owe People Who Are Wrongfully Convicted?

March 14, 2017

By Scott Rodd



Floyd Bledsoe, center, after walking out of the Oskaloosa, Kansas, courthouse a free man in December 2015, after new evidence showed he was wrongly convicted of murder in 2000. Many states, including Kansas, are trying to figure out what people like Bledsoe are owed for the time they spent behind bars.

© Chris Neal/The Topeka Capital-Journal via The Associated Press

In April 2000, 23-year-old Floyd Bledsoe sat in an Oskaloosa, Kansas, courtroom awaiting the verdict in his first-degree murder trial in the death of his 14-year-old sister-in-law, Zetta "Camille" Arfmann. Throughout the trial, he maintained his innocence. But the jury entered the courtroom and declared him guilty.

Bledsoe was sentenced to life in prison plus 16 years, but doubts about his involvement in the murder lingered. The crime scene yielded little physical evidence, and Bledsoe's brother, Tom, 25, had originally confessed to the murder before recanting and pinning the crime on Floyd.

After years of fruitless court challenges, Bledsoe was vindicated in a gut-wrenching twist: In 2015, Tom Bledsoe confessed to the murder in a suicide note before asphyxiating himself. Within a month, a judge vacated Bledsoe's conviction and he was released from prison. The day of his release, Bledsoe recalls, was a mixture of celebration and mourning.

"Before I was locked up, I had 40 acres, livestock, a wife and kids," he said. "When I was released, I had nothing ... I lost my family, my job, my reputation — everything."

Bledsoe found little support as he adjusted to life outside of prison, including from the state that locked him up for more than 15 years. A bill before the Kansas Legislature would make up for part of that by making him eligible for \$80,000 for each year he spent behind bars.

A steady increase in exonerations in recent years, often a result of new DNA-testing capability, has prompted lawmakers in states like Kansas to consider legislation that guarantees compensation for those who are wrongfully convicted and imprisoned.

And in the 32 states that have compensation laws, some lawmakers have sought to increase the amount of compensation exonerated individuals would receive, expand the eligibility for compensation or streamline the process for getting it.

It's only just that states provide compensation to people who are wrongly convicted and imprisoned, advocates for the wrongly convicted say.

"When an innocent person is deprived of liberty because of a wrongful conviction, regardless of fault, the government has a responsibility to do all it can to foster that person's re-entry in order to help restore some sense of justice," said Maddy deLone, executive director of the Innocence Project, a nonprofit legal organization that specializes in wrongful conviction cases. "Fair compensation is part of that."

According to the National Registry of Exonerations, 2,000 wrongfully convicted individuals have been exonerated for state and federal crimes since 1989. In 2016, there were 166 exonerations nationwide — the most since the registry was established nearly 30 years ago.

In 2004, Congress passed the Justice for All Act with bipartisan support. The law guarantees individuals exonerated of federal crimes \$50,000 for every year spent in prison and \$100,000 for every year spent on death row.

From state to state, however, those who are exonerated are not guaranteed the same rights or compensation after a conviction is overturned. "It really matters where you're convicted," said Amol Sinha, state policy advocate at the Innocence Project.

In Texas, a state known for its tough-on-crime posture, the exonerated are paid \$80,000 for every year spent in prison and are eligible for monthly annuity payments after release. The state's generous compensation law has added up over time. In the last 25 years, Texas has paid over \$93 million to wrongfully convicted individuals.

Wisconsin, on the other hand, pays \$5,000 for every year spent in prison, capped at a maximum of \$25,000. Some states offer in-kind benefits in addition to monetary compensation. Vermont, for example, provides health care coverage for 10 years after an exonerated individual is released from prison.

In states without compensation laws, like Kansas, those who are exonerated typically have to file a lawsuit to get compensation or convince legislatures to pass a special appropriation to pay them. Lawsuits can be time-consuming, costly and challenging to win. And winning compensation from a legislature isn't guaranteed.

In Kansas, for example, a wrongfully convicted person currently must go to the Legislature's Special Claims Against the State Committee and plead for compensation.

Debate Over Amounts

How much people deserve for the time they lost behind bars often is in dispute. It was in Indiana this year.

Rep. Greg Steuerwald's bill would compensate individuals with \$25,000 for every year of wrongful incarceration. Democratic Rep. Greg Porter thinks they should receive \$35,000 for every year of imprisonment.

Both bills would award compensation only to people whose crimes were vacated through DNA analysis. The attorney general would be in charge of processing claims for wrongful conviction compensation, and neither bill would apply retroactively. But both bills appear dead for the year.

Frances Lee Watson, founder of the Wrongful Conviction Clinic at the Indiana University McKinney School of Law, said she hopes legislators will continue to push for compensation. "Convictions are still being vacated and people are still being exonerated in Indiana — but we don't have a compensation law," she said.

Another sticking point in trying to pass compensation laws is overcoming lawmakers' general faith in the criminal justice system or convincing them that innocent people can be convicted.

In nearby Michigan, Republican Gov. Rick Snyder signed a bill in December that pays \$50,000 for each year of wrongful imprisonment and provides re-entry services after release. But the bill's sponsor, Democratic Sen. Steve Bieda, first introduced it in 2004.

"I think [legislators] had a hard time wrapping their heads around the fact that someone could spend so much time behind bars and not have done something wrong," Bieda said of his struggle to pass the bill. "I had to reintroduce [the legislation] again and again."

Lawmakers in other states are looking to tweak their compensation laws by streamlining payments or ensuring that some people aren't left out unfairly.

In Tennessee, for instance, Republican Rep. Mark Pody wants to make it easier for people who are innocent, but aren't exonerated by the state's parole board or the governor, to receive compensation. Why? A judge vacating a conviction is not enough for an individual to qualify for compensation under current law.

His bill would allow a wrongfully convicted individual to apply for compensation without an official exoneration after spending at least 25 years in prison and if the conviction was overturned by DNA evidence.

The bill wouldn't affect many people in Tennessee. But it would affect Lawrence McKinney, who was released from prison in July 2009 after 31 years based on new DNA evidence. McKinney was denied an official exoneration from the parole board and is currently awaiting a decision from Republican Gov. Bill Haslam.

Compensation in Kansas

After spending time on the Kansas Legislature's joint committee that decides on civil claims for wrongful conviction, Democratic Sen. David Haley decided he wanted to change how innocent people such as Floyd Bledsoe are compensated in his state to make it more just and evenhanded.

"Some [people] made compelling arguments," he said, "but there seemed to be no rhyme or reason as to who [was awarded] what."

So last month, he introduced a bill that would compensate wrongfully convicted individuals with \$80,000 for each year spent in prison or \$1 million if sentenced to death. It would also pay \$5 million to the heir of an individual who was wrongfully executed, though the state hasn't conducted an execution since 1965.

The bill hasn't passed yet. There are questions about whether \$80,000 is the right amount. And the bill has been amended to include some notable limitations: Individuals who pleaded guilty or no contest to a crime, for example, would not be eligible for compensation — even if the conviction was later vacated.

Sinha of the Innocence Project said provisions like this in compensation laws can deprive some innocent people of their rightful compensation because they were coerced, or saw little hope in winning at trial and agreed to a plea bargain.

The National Registry of Exonerations has confirmed over 350 instances of individuals who pleaded guilty to crimes they did not commit. According to the Innocence Project, nearly 11 percent of the nation's DNA exonerations involved innocent people pleading guilty.

Haley's bill in Kansas also would require people who are exonerated to apply for compensation within two years after their release from prison. That would exclude the bulk of people whose convictions have been vacated.

Bledsoe, whose brother committed the murder he spent time in prison for, doesn't want to be one of those people. But time is running out for him to get the level of compensation Haley thinks he deserves. Dec. 8 will mark two years since his release from prison.

"I haven't completely lost faith in our justice system," Bledsoe said. "[But] it's hard to trust in something that's not perfect."

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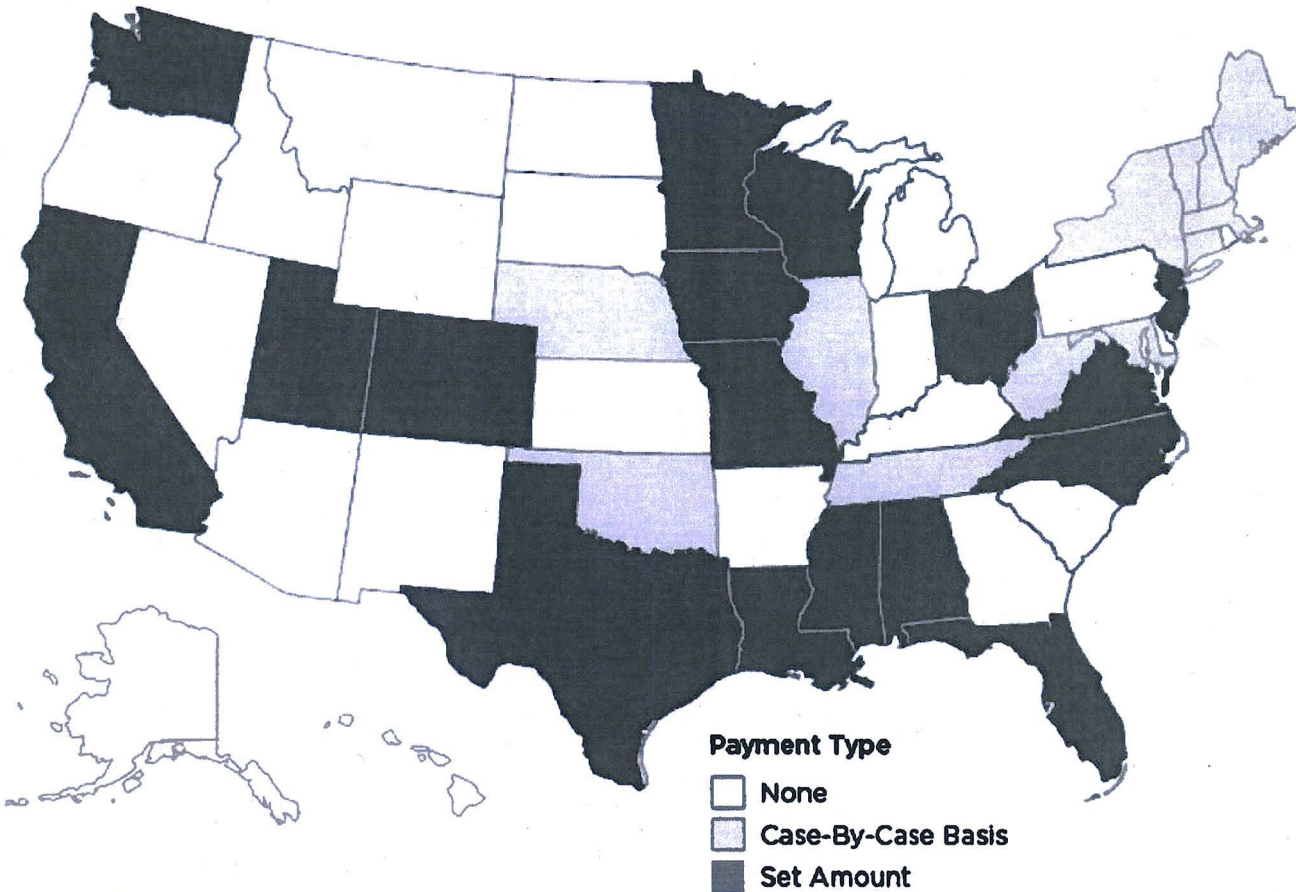
planet money

When Innocent People Go To Prison, States Pay

June 16, 2014 · 10:05 AM ET

GABRIELLE EMANUEL

Which States Pay The Wrongfully Convicted?



Innocence Project, Quoc Trung Bui/NPR

Suppose you spent five years in prison for a crime you didn't commit. How much does the government owe you?

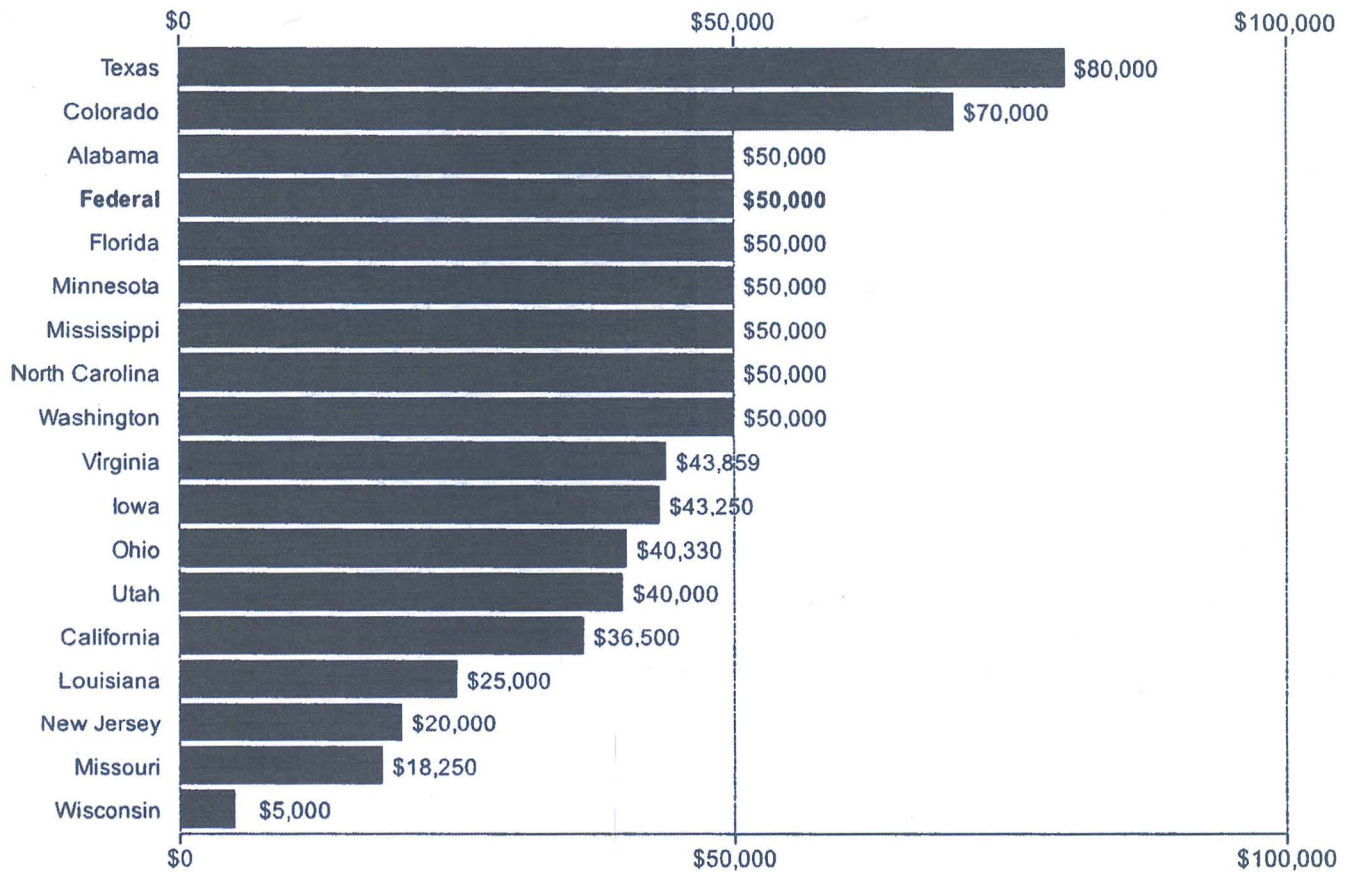
Over the past few decades, the rise of DNA exonerations has made this a more pressing question. And many states have created explicit policies to answer it.

But those policies vary wildly from state to state.

Twenty-one states provide no money — though people who are exonerated can sue for damages. Twelve states and the District of Columbia award damages on a case-by-case basis. Another 17 states pay a fixed amount per year of imprisonment.

Compensation For Each Year In Prison

In States That Pay A Set Amount Per Year



Source: The Innocence Project and staff calculations.

And among states that pay a fixed amount per year, there's a huge range of payments.

Several states and the federal government offer \$50,000 per year for people wrongly convicted in federal court. Why is that such a common figure?

Federal payments were set by a law passed a decade ago. At that time, Alabama had the highest compensation at \$50,000 per year, so the feds simply decided to match that, according to Stephen Saloom, policy director at the Innocence Project. Other states may have followed the lead of the federal government.

"There doesn't seem to be any other rationale behind the number," said Paul Cates, also at the Innocence Project.

Guilty And Charged

One other interesting idea: States that pay the wrongfully convicted might actually be trying to save money, according to Brandon Garrett, University of Virginia law professor and author of *Convicting the Innocent*.

That's because people who are exonerated can sue states — and sometimes win awards on the order of \$1 million per year of imprisonment, Garrett says.

In many states, people who are exonerated have to give up their right to sue in order to collect the set payment.

Policymakers may have decided that it's better for states "to encourage people to take more moderate compensation early on and maybe forgo the multimillion-dollar lawsuit," Garrett says.

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February 28, 2017

To: House State Affairs Committee members
Re: HB 127 and HB 118

Chairman Kreiss-Tomkins, Vice Chairwoman LeDoux and members of the State Affairs Committee,

Tanana Chiefs Conference is an Alaska Native non-profit corporation, charged with advancing Tribal self-determination and enhancing regional Native unity. We are the traditional tribal consortium of 37 federally recognized tribes within 42 interior Alaskan communities. Our work is involved in the areas of health services, cultural and natural resources, and tribal development. TCC works closely with its membership to carry out its mission.

Fourteen months ago, Tanana Chiefs Conference celebrated the release from incarceration of the four men known as the Fairbanks Four, Marvin Roberts, George Frese, Eugene Vent and Kevin Pease. These men had maintained their innocence for 19 years and were partially vindicated after a five week trial when the state of Alaska traded the keys to their jail cells for the release of any civil liability in the prosecution and investigation of their cases. These four men can not seek compensation through the court processes available to most people. The State also did not provide these boys with any type of reparation to transition back into daily life; literally they are left with the shirts on their backs. Despite their proven innocence, the difficulty of reentering society is profound for the wrongfully convicted; the failure to compensate them adds insult to injury. Society has an obligation to promptly provide compassionate assistance to the wrongfully convicted

The process to guarantee true justice will be a long one. To ensure that no more Alaska Native men and women are falsely imprisoned, wrongfully convicted or victimized by the Alaska criminal justice system, many things must be examined and rehabilitated. It will involve oversight and training of law enforcement on false confessions, custodial interrogations and preservation of evidence best practices. It must include examination of charging and sentencing disparity as it applies to both rural and urban Alaska Natives and all Alaskans. Prosecutorial misconduct and the mechanisms for accountability of State officials need to be codified with real and meaningful sanctions available. Eyewitness identification reform, access to post-conviction DNA testing, these reforms and subsequent change in law is often based on the work of Criminal Justice Reform Commissions similar to our own. Tanana Chiefs Conference will be seeking all of the reforms above, this year and every year until lasting change is achieved. We ask for your support in our endeavors.

SUBREGIONS:

Upper Kuskokwim

McGrath
Medfra
Nikolai
Takotna

Lower Yukon

Anvik
Grayling
Holy Cross
Shageluk

Upper Tanana

Dot Lake
Eagle
Healy Lake
Northway
Tanacross
Tetlin
Tok

Yukon Flats

Arctic Village
Beaver
Birch Creek
Canyon Village
Chalkyitsik
Circle
Fort Yukon
Venetie

Yukon Koyukuk

Galena
Huslia
Kaltag
Koyukuk
Nulato
Ruby

Yukon Tanana

Alatna
Allakaket
Evansville
Fairbanks
Hughes
Lake Minchumina
Manley Hot
Springs
Minto
Nenana
Rampart
Stevens Village
Tanana



House Bill 127 and 118 are important first steps in ensuring the integrity of our criminal justice system. Currently, the federal government, the District of Columbia and 30 states have compensation statutes. Twenty states do not. Alaska is one of those twenty. This is not an honored distinction. Please support this important legislation.

Sincerely,

Tanana Chiefs Conference

A handwritten signature in black ink, appearing to read "Victor Joseph".

Victor Joseph,
President/Chief



Marvin Roberts

Yesterday at 10:17 PM · 

That first night I spent in jail was one of the hardest moments in my life. I had serious charges, murder was one of them. After being "Booked" I was put in the drunk tank at F.C.C.. I was not drunk. The tiny room smelled funny and the mattress was torn up. It was my first time in jail. I never got in trouble. Being only 19 and on the skinny side you could say I was scared. I told the Guard (C.O.) that I wasn't supposed to be in there, that I was innocent. Nobody heard me. I layed down on that torn mattress and had sad thoughts. Who could sleep in a situation like that? I prayed and asked God to get me out...please get me out. I prayed and still my spirit was breaking. I was hurting real bad. I don't know when I started crying or how long it lasted. My world was upside down. I'd love to say I was released the next day and that was that. No, this is not a happy ending. We spent over 18 years trapped in that nightmare. Fighting for our lives and never giving up! I say we because I was not alone. George Frese, Kevin Pease, and Eugene Vent were trapped with me. But we knew we were innocent and kept fighting. The Fairbanks Four we are called now. Back than we were lost boys. Lost, but still we kept faith. Finally, God answered our prayers. In December of 2015 our lives were given back to us. And I know this would not have happened without all of our supporters. Thank-you. I will always be grateful to all who brought us home to our families. I share this story because I wanted you to know what it was like for me, an innocent persons first time in jail. It really could happen to anybody. Can you imagine? We spent all of our twenties and most of our thirties in prison. All that lost time with our loved ones. We could have been building a retirement, mastering a trade. Instead I find myself working two jobs right now. Barely any time to spend with my family. The Fairbanks Four did not get compensated. Another reason I share my story is because there are currently two "House Bills" in the beginning stages in Juneau that could benefit The F-Four. 'HB 118' would compensate the wrongfully convicted, including us. 'HB 126' would let the wrongfully convicted receive all back dividends, including us. I once again ask for your help....please. If passed, these 'Bills' could do wonders for the boys and I. I'd love to spend more time with family. I want to get professional counseling for this trauma we endured. The 'Bills' would also be a deterrent against wrongful convictions. I would never want to see another innocent person locked up. Please, contact your local State Representative and/or Senator. Letters, e-mails, ph calls, anything. Ask them to support HB 118 and HB 126. Please, please, please...thank-you for believing in us...God bless all of you!

Olivia Garrett

From: emerson <emersonheads@gmail.com>
Sent: Wednesday, March 01, 2017 2:54 PM
To: Rep. Scott Kawasaki; Rep. Jonathan Kreiss-Tomkins; Rep. Gabrielle LeDoux; Rep. Chris Tuck; Rep. Adam Wool; Rep. Chris Birch; Rep. DeLena Johnson; Rep. Gary Knopp
Subject: Fwd: Public record comment

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative Kawasaki, (please feel free to amend the introduction to properly reflect decorum)

I write in support of both Alaska House Bills 118 and 127. I think they represent what is right and just in the heart of Alaskans.

Allow me to introduce myself. I am a doctoral student at the University of Notre Dame. Fairbanks is my home, and Alaska will always be where my heart is despite me being away from her more than I would wish. I have inaugurated the Fairbanks Symphony chorus and was it's chorus master for three season, and I was the chorus master for numerous Opera Fairbanks productions, including conducting a few productions which included my own opera, commissioned by Opera Fairbanks.

I wrote Mass for the Oppressed for the release of the Fairbanks Four, which was premiered in Fairbanks in the summer of 2016 under the baton of Houston Symphony conductor, Robert Franz. The performance was attended by the Fairbanks Four. The audience gave the Four not one standing ovation, but two. The tears and palpable empathy which came from all those present was unforgettable, and as such, represents in artistic form, what these bills represent in hard, political and social currency.

I write in full support of these bills. They underline what is best about Alaskans: we are bigger and capable of embracing cultural divides, we are capable of ameliorating injustices, and we lift up the weak and underrepresented. This has been my experience in Fairbanks, and it has been my great pleasure to know that these traits don't just represent the Interior of Alaska, but rather, they are unequivocally Alaskan.

Thank you,

Emerson Eads
1334 Overhill Drive
Fairbanks AK 99701
907-460-8950

Olivia Garrett

From: Morgan VanHatten <morganvanhatten@yahoo.com>
Sent: Tuesday, February 28, 2017 3:56 PM
To: Rep. Scott Kawasaki
Subject: Fw: HB 118 and HB 127

Sent from Yahoo Mail on Android

On Fri, Feb 24, 2017 at 11:13 PM, Morgan VanHatten
<morganvanhatten@yahoo.com> wrote:

To the state of Alaska:

I'm writing on behalf of those who have been wrongfully convicted for crimes they didn't commit. The depth of what these people have gone through is indescribable to say the least. They have been cheated out of time that can never be gotten back. It's important to let those people who have been wrongfully convicted know that they haven't been forgotten and we are all still fighting for justice. It's only right that the state pass HB118 and HB127 so that people like the Fairbanks Four can go on to lead healthy, productive lives and inspire others that through faith and the right people, anything is possible. I've always been a supporter of the Fairbanks Four and hope that you, Mr. Kawasaki do everything in your power to see that these young men get compensation for their time served. Thank you for all that you do for our state.

Sincerely,
Morgan King

Sent from Yahoo Mail on Android

Olivia Garrett

From: Mona Nollner <Mona.Nollner@tananachiefs.org>
Sent: Tuesday, February 28, 2017 4:05 PM
To: Rep. Scott Kawasaki
Subject: letter

Dear Representative Kawasaki,

I hope you're doing well. My name is Mona Nollner, Thank you for your work on the bills to seek compensation for the Fairbanks Four. These men are very important people to me. I realize this may be an uphill battle due to the current state budget and other factors. If there is anything I can do to help with these bills please do not hesitate to contact me. Thank you for your time and best wishes this session.

Respectfully,

Mona Nollner

1223 26th Ave

Fairbanks, Alaska 99701

907-712-4915

.....

Olivia Garrett

From: CLARISSA GUNTER <cgunter2014@gmail.com>
Sent: Tuesday, February 28, 2017 2:28 PM
To: Rep. Scott Kawasaki
Subject: Support letter

To whom it may concern:

I believe it is very wrong to be accused of such horrible crimes that the Fairbanks Four were accused of. First your name is smeared all over the news papers and everyone is judging you. Then to sit in jail for 18 years for a crime the Fairbanks Four did not commit. Their whole lives were destroyed by this. At the very least they can be compensated for the pain and suffering they had to endure for 18 long years! They never got to learn a trade or go to college and starting life over in your 30's is not easy. They have endured enough pain and suffering they should at least be compensated and get their dividends from the past years.

--

*Sincerely,
Clarissa Gunter*

Olivia Garrett

From: ava vent <acv7@hotmail.com>
Sent: Wednesday, February 15, 2017 10:15 PM
To: Rep. Scott Kawasaki
Subject: Fw: Support of HB118

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Legislative Staff,

My name is Ava Vent and I support HB118 which will help provide compensation for those who have been wrongfully convicted in Alaska. The Fairbanks Four wre wrongfully convicted of a crime they did not commit. These four young men spent over a decade of their lives in jail. They did not receive the compensation that they are in need of today. Therefore, it is only moral to help the men regain their rights as citizens of the State of Alaska to compensate them by helping them receive their dividends from the years that they did not get the State of Alaska Permanent Fund Dividends. These men need support in regaining their lives that they had missed in the past. Please help these men regain from a mistake that was made in the past. Enaa' Basee for your time and consideration.

Sincerely,

Ava Vent, Huslia Tribal Member

Olivia Garrett

From: Princess Lucaj <princesslucaj@gmail.com>
Sent: Wednesday, February 15, 2017 10:02 PM
To: Rep. Scott Kawasaki
Subject: Fwd: HB118

Follow Up Flag: FollowUp
Due By: Wednesday, February 15, 2017 10:34 PM
Flag Status: Flagged

Hello Rep. Kawasaki,

After reading the language for HB118 I want to write my support of such straight-forward, reasonable, and morally sound legislation. Thank you for introducing this bill and you have my full support as your constituent.

Mahsi' choo! Thank you very much for your thoughtful leadership,

Princess D. Johnson (Lucaj)
Fairbanks, AK

Olivia Garrett

From: Richard David <davidrichard401@gmail.com>
Sent: Friday, January 27, 2017 2:28 PM
To: Rep. Scott Kawasaki
Subject: The Fairbanks Four support group

Follow Up Flag: Follow up
Flag Status: Completed

Dear Representative Kawasaki,

I hope you're doing well. My name is Richard David Sr. I want to thank you for your work on the bills to seek compensation for the Fairbanks Four. These men are very important people to me. I realize this may be an uphill battle due to the current state budget and other factors. If there is anything I can do to help with these bills please do not hesitate to contact me. Thank you for your time and best wishes this session.

Respectfully,
Richard David Sr.

Olivia Garrett

From: Deborah Kokrine <deborah.kokrine@tananachiefs.org>
Sent: Wednesday, January 25, 2017 10:40 AM
To: Rep. Scott Kawasaki
Subject: Fairbanks Four

Follow Up Flag: Follow up
Flag Status: Completed

Dear Representative Kawasaki,

I hope you are doing well. My name is Deborah Kokrine. Thank you for your work on the bills to seek compensation for The Fairbanks Four. These men are very important people to me. I realize that may be an uphill battle due to the current state budget and other factors. If there is anything I can do help with these bills, please do not hesitate to contact me. Thank you for your time and best wishes this session.

Respectfully,

Deborah Kokrine,

PO Box 55922

North Pole, AK 99705

907-322-8964

<*)>>>>><

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Olivia Garrett

From: Julian Thibedeau <jrthibedeau09@hotmail.com>
Sent: Tuesday, January 24, 2017 6:54 PM
To: Representative.scott.kawasaki@akleg.gov
Subject: Fairbanks Four Compensation Bill

Follow Up Flag: Follow up
Flag Status: Completed

Dear Representative Kawasaki,
I hope you're doing well. My name is Julian Thibedeau. I was born and raised in the district that you represent. Thank you for your work on the bill to seek compensation for the Fairbanks Four. These men are very important people to me and though nobody could put a price on 18 years of wrongful incarceration, something needs to be done. That is just too long without so much as an apology. I realize this may be an uphill battle due to the current state budget and other factors. If there is anything I can do to help with introducing this bill on the ground or any grassroots effort, please feel free to contact me. I am more than happy to volunteer in anyway to help ensure the Fairbanks Four dont get forgotten. Thank you for your time and best wishes this session.

Respectfully,
Julian Thibedeau

jrthibedeau09@hotmail.com

Sent from my LG Mobile

Olivia Garrett

From: Tillila Beetus <tilbeetus@gmail.com>
Sent: Tuesday, January 24, 2017 6:38 PM
To: Rep. Scott Kawasaki
Subject: RE: Compensation for the Fairbanks Four

Follow Up Flag: Follow up
Flag Status: Completed

Thank you, Kevin has lived with me since the day he was released. We were very good friends before they went to jail. He has been deeply affected by this incarceration. I am working to support our whole family and, between you and I, we have been struggling lately.

On Jan 24, 2017 6:25 PM, "Rep. Scott Kawasaki" <Rep.Scott.Kawasaki@akleg.gov> wrote:

I don't know them personally but I believe the State owes them something for the many years of wrongful imprisonment. I will submit a bill sometime next week for them personally and another bill to protect Alaskans who are wrongfully convicted in the future...thanks for your support...sjk

Sent via the Samsung Galaxy S® 6, an AT&T 4G LTE smartphone

----- Original message -----

From: Tillila Beetus <tilbeetus@gmail.com>
Date: 1/24/17 18:21 (GMT-09:00)
To: "Rep. Scott Kawasaki" <Rep.Scott.Kawasaki@akleg.gov>
Subject: Compensation for the Fairbanks Four

Dear Representative Kawasaki,
I hope you're doing well. My name is Tillila Beetus, I live in the district you represent. Thank you for your work on the bills to seek compensation for the Fairbanks Four. These men are very important people to me. I realize this may be an uphill battle due to the current state budget and other factors. If there is anything I can do to help with these bills please do not hesitate to contact me. Thank you for your time and best wishes this session.
Respectfully,

Til Beetus

Olivia Garrett

From: Clara Perdue <claraperdue@ymail.com>
Sent: Tuesday, January 24, 2017 6:34 PM
To: Rep. Scott Kawasaki
Subject: I support the Fairbanks Four!!

Follow Up Flag: Follow up
Flag Status: Completed

Dear Representative Kawasaki,
I hope you're doing well. My name is Clara Perdue Thank you for your work on the bills to seek compensation for the Fairbanks Four. These men are very important people to me. I realize this may be an uphill battle due to the current state budget and other factors. If there is anything I can do to help with these bills please do not hesitate to contact me. Thank you for your time and best wishes this session.

Respectfully,
Clara Perdue

Sent from Yahoo Mail for iPhone

Four wrongfully convicted men, four very different outcomes

BY SASKIA DE MELKER *November 9, 2014 at 1:53 PM EDT*

*Alan Newton, Jeffrey Deskovic, Drew Whitley, and Johnny Pinchback were all exonerated in the past decade.
Credit: NewsHour*

When a wrongfully convicted person gets released from prison, it is a major news event: Local television crews capture the first moments of freedom and the speeches on the steps of the state capital, audiences empathize as they grapple with gratitude and rage, and the exonerees take their first steps into an uncertain future.

Jeffrey Deskovic, who was in prison for 16 years after being wrongfully convicted for the rape and murder of his high school classmate, said it was the most surreal moment of his life: “It felt like a dream,” he said. “When I stepped up to the microphones at the press conference, I asked ‘Is this really happening?’”

But when the limelight fades, the wrongfully convicted face the reality of navigating the world they were yanked from, often with limited financial and social support.

According to the [Innocence Project](#), it takes exonerees three years on average to receive any compensation after their release. More than a quarter get nothing. Among those who are paid, 81 percent get less than \$50,000 for each year of wrongful imprisonment.

NewsHour spoke to a number of exonerated men from different states about their experiences reintegrating post-release. All of them, regardless of compensation, say they would pay anything to have the years they lost in prison back.

Jeffrey Deskovic, New York

Age: 41

Exonerated: 2006

Years in Prison: 16 years

Compensation: Over \$13,000,000 (so far)

At age 16, Deskovic was wrongfully convicted of the rape and murder of his high school classmate. After nearly two decades behind bars, a DNA test finally exonerated him.

Those first five years were very difficult, he said. Released at age 33, he had never lived alone or even gotten a driver's license. "It was overwhelming. I felt like I didn't belong, like a fish out of water."

Deskovic filed federal civil rights lawsuits against the various municipalities and officials involved in his conviction. After an arduous and lengthy legal process, he was awarded more than \$13 million in 2011. Just last month he won a separate \$41 million dollar judgement.

"I would be willing to not only give the money back, I'd be willing to go into debt for that amount of money, maybe even double it, to have had my years back and had a normal life," said Deskovic.

Deskovic used part of his settlement money to set up his [own foundation](#) to help investigate other possible wrongful convictions across the country as well as offer financial and social support to other exonerees.

"I'm trying to make my suffering count for something," said Deskovic.

Johnny Pinchback, Texas

Age: 59

Exonerated: 2011

Years in Prison: 27 years

Compensation: \$2,133,333

Pinchback was convicted for the rape of two teenage girls, who misidentified him in a police lineup. It wasn't until another exonerated man (who had been in prison with Pinchback) helped him appeal for a DNA test that the evidence proved he was not the perpetrator.

Within months of being released he received a lump sum payment of approximately \$80,000 for each year he was in prison from the state of Texas, and he'll also continue to receive monthly annuity payments.

"It could never pay for the time I did [in prison] , but at least now I can have some peace." he said.

He said he is now enjoying a normal life. He bought a ranch outside of Dallas where he spends time with his wife, his mom, and his dogs. Pinchback served six years in the military prior to his conviction and prison time.

"After so many years of being told exactly what to do and where to be, I'm enjoying doing what I want to do."

Pinchback is just one of dozens of exonerees from Dallas County, which boasts more wrongfully convicted men than any other region in the country. He offers support and advice to other exonerees when they are let out.

"I warn them that everyone will be asking you for part of your [compensation] money once those checks start rolling in, whether they supported you during your prison time or not," said Pinchback. The advice he gives them: "Take care of the people you love, but don't let anyone take advantage of you."

Drew Whitley, Pennsylvania

Age: 58

Exonerated: 2006

Years in Prison: 18 years

Compensation: \$0

In 1989, Whitley was convicted for the murder of a young woman in Dusquene, Pennsylvania. He spent 18 years behind bars before DNA confirmed that hairs found in the ski mask of the killer did not belong to him, and he was set free.

He returned to his hometown of Braddock, Penn., where he spends most afternoons cleaning up the local meat shop in exchange for food. He gets by on a social security

check of about \$700 a month. Just over a year ago he moved out of his mother's home into an apartment that costs nearly half his monthly check.

Without a compensation package in Pennsylvania, Drew Whitley sued in federal court. Even though a judge agreed that police officers were negligent in their investigation of his case, she ruled against Whitley stating that he did not prove intentional misconduct. He lost his appeals of the decision.

In addition to his financial struggles, Whitley is still wrestling with the demons of his past. "Every time somebody walks up the hallway steps, I look out the peephole, because I think they might be coming to get me," he said. "I wake up with nightmares that I'm still locked up."

Alan Newton, New York

Age: 53

Exonerated: 2006

Years in Prison: 22 years

Compensation: \$0

Newton served 22 years in prison for the rape, robbery and assault of a young woman who misidentified him. He spent years appealing for a DNA test, which the police claimed to have lost. It was finally found and tested proving that Newton was not guilty.

He says people now know that he didn't do the crime but they have a different concern about him as an exoneree.

"They wonder if I picked up bad habits and became criminalized while I was in prison for all those years," he said. "I feel like I have to defend myself against that fear."

In 2010, he won a federal lawsuit and was awarded \$18.5 million by a jury. But Newton hasn't seen a dime of that money: a judge reversed the jury's verdict stating that Newton didn't sufficiently prove intentional misconduct in his case, only negligence. Newton appealed but four years later, he's still awaiting a decision from an appellate court. "It's very frustrating, but I've learned patience with the legal system" he said.

Even without any compensation, Newton has made the most of his exonerated life. He got his Bachelor's degree in business administration and now works for the City University of New York as a research associate. He speaks frequently about law enforcement practices leading to wrongful convictions and plans to apply for law school.

Still, he feels he can't truly move on.

"At this point, it's not even about blaming someone. I just want closure and to be able to move on with life. That's what the money is about as much as anything else," he said.

State	Healthcare included in compensation statute	Other Compensation	Date Passed/Amended
Alabama	No	Minimum of \$50,000 per year of wrongful incarceration. Committee on Compensation can recommend discretionary amounts in addition to base, but legislature must appropriate funds.	Effective since 2001
California	No	Maximum of \$140 per day of wrongful incarceration, including any time spent in custody prior to incarceration.	Passed 1941, amended last in 2015.
Colorado	Yes- State-funded coverage.	\$70,000 per each year spent wrongfully incarcerated, an additional \$50,000 per year spent on death row if applicable. Tuition waivers	Effective since 2013
Connecticut	Yes- Counseling and “any other services need to facilitate reintegration into the community” (includes healthcare costs)	Compensation is determined on a case-by-case basis.	Effective since 2008
D.C.	Unclear	Compensation is provided on a case-by-case basis	Effective since 1981
Florida	No	\$50,000 annually with a cap at \$2 million, 120 hours of tuition and fees at any state-funded post-secondary program, and any fines or costs imposed at the time of the sentence	Passed 2008, amended last in 2014.
Hawaii	No	\$50,000 per year of wrongful confinement. The law also provides for additional compensation of up to \$100,000 if the court finds ‘extraordinary circumstances’ and up to \$10,000 in attorney’s fees.	Effective since 2016
Illinois	Unclear- statute provides for “reentry services” but doesn’t specify if healthcare is included.	\$85,350 for those who served up to five years \$170,000 for those who served between five and 14 years \$199,150 for those who served more than 14 years. Reimburses attorney's fees up to 25 percent of the compensation award, provides job search and placement services.	Effective since 2008
Iowa	No	\$50 per day of wrongful incarceration plus lost wages up to \$25,000 a year, plus attorney's fees.	Effective since 1997
Louisiana	Yes- 6 years of state-funded medical and counseling services	\$25,000 year for each year of wrongful incarceration, with a cap of \$250,000. Costs of job or skill training for three years, tuition expenses at a community college or unit of the state university system.	Passed 2005, amended last 2011

State	Healthcare included in compensation statute	Other Compensation	Date Passed/Amended
Maine	No	Up to \$300,000	Effective since 1993
Maryland	Yes- "appropriate counseling for the individual"	Courts may grant compensation packages on a case-by-case basis	Effective 1999, amended last 2003
Massachusetts	Yes- "physical and emotional services"	Maximum of \$500,000, as well as the potential for educational services at any state or community college.	Effective since 2004
Minnesota	Yes- Reimbursement for medical and dental expenses, personal physical injuries or sickness, and any nonphysical injuries or sickness.	Reimbursement for all restitution, assessments, fees, and court costs. \$50,000 for each year of incarceration, \$25,000 for each year spent on supervised release or as a registered offender. Tuition and fees at any state post-secondary program. Child support payments.	Effective since 2014
Mississippi	No	\$50,000 for each year of wrongful incarceration with a maximum of \$500,000	Effective since 2009
Missouri	No	\$50 per day of post-conviction confinement	Effective since 2006
Montana	No	"Educational aid" only	Effective since 2003
Nebraska	Unclear	Maximum of \$50,000	Effective since 2009
New Hampshire	No	\$20,000 for the entirety of their wrongful incarceration.	Passed 1977, amended last 2010
New Jersey	Yes- State-funded health insurance coverage including counseling	Compensation for twice the amount of their income in the year prior to incarceration or \$50,000 per year of incarceration, whichever is greater. An individual may also be awarded non-monetary relief including: vocational training, tuition and housing assistance,	Effective 1997, amended most recently 2013
New York	Unclear	"Damages in such sum of money as the court determines will fairly and reasonably compensate them."	Passed 1984, amended most recently 2007
North Carolina	No	\$50,000 for each year of wrongful incarceration with a maximum of \$750,000. Also includes provision of job skills training and education tuition waivers.	Passed 1947, amended last 2008
Ohio	No	\$40,330 per year (or amount determined by state auditor) in addition to lost wages, costs, and attorney's fees	Passed 1989, amended last 2010

State	Healthcare included in compensation statute	Other Compensation	Date Passed/Amended
Oklahoma	No	\$175,000 for the entirety of their wrongful incarceration	Passed 1978, amended last 2003
Tennessee	Unclear	Total of \$1,000,000 for the entirety of a wrongful incarceration.	Passed 1984, amended last 2013
Texas	Yes- Reentry and reintegration services, and the opportunity to buy into the Texas State Employee Health Plan.	\$80,000 per year of wrongful incarceration, an annuity, as well as \$25,000 per year spent on parole or as a registered sex offender. The wrongfully convicted person is also entitled to compensation for child support payments, and tuition for up to 120 hours at a career center or public institution of higher learning,	Passed 2001, amended last 2011
Utah	No	For each year or portion of a year he was incarcerated, up to a maximum of 15 years, the monetary equivalent of the average annual non-agricultural payroll wage in Utah.	Passed 2008, amended last 2012
Vermont	Yes- up to 10 years of state-funded health care and mental and physical health care costs incurred by the claimant for the time period between his or her release and the date of award.	The court can award damages between \$30,000 and \$60,000 per year the person was incarcerated. The exoneree is also eligible for economic damages (which may include lost wages), reimbursement for attorney fees, as well as "reasonable reintegration services". The judgment amount is not subject to state income taxes.	Passed 2007, amended last 2014
Virginia	No	90% of the VA per capita personal income for each year of incarceration plus a tuition award worth \$10,000 in the VA community college system.	Passed 2004, amended last 2014
Washington	No	\$50,000 for each year of imprisonment and time spent waiting for trial; an additional \$50,000 for each year on death row; and \$25,000 for each year spent on parole, community custody or on a sex offender registry. The state would also pay for child support and attorney fees up to \$75,000.	Effective since 2013
West Virginia	Unclear	Damages that the court deems will "fairly and reasonably compensate them."	Passed 1987, amended last 2013

State	Healthcare included in compensation statute	Other Compensation	Date Passed/Amended
Wisconsin	Unclear	Maximum of \$25,000, including attorney fees. The Claims Board may petition legislature for additional funds.	Passed 1913, amended last 1987

Source: The Innocence Project Public Policy Dept. Compiled by the Office of Rep. Scott Kawasaki



LEADER in All We Do

March 7, 2017

Honorable Ivy Sponholz
Chair, House Health and Social Services Committee
State Capital Room 421
Juneau, Alaska 99801

RE: Doyon support for HB 118, Compensation for Wrongful Conviction

Dear Chairwoman Spohnholz,

This letter is a written statement of support on behalf of the Doyon, Limited Board of Directors, our employees, and shareholders for HB 118, "An Act relating to compensation for wrongful conviction and imprisonment."

Doyon is one of the thirteen Native regional corporations established by Congress under the terms of the Alaska Native Claims Settlement Act (ANCSA) of 1971. Doyon's mission is to promote the economic and social well-being of our present and future shareholders, to strengthen their Native way of life, and to protect and enhance our land and resources.

Just over a year ago, Doyon celebrated with Tanana Chiefs Conference and the Interior Alaska Native community the release of Marvin Roberts, George Frese, Eugene Vent and Kevin Pease from incarceration. These men, known as the Fairbanks Four maintained their innocence for 19 years and were partially vindicated after a five week trial when the State of Alaska traded the keys to their jail cells for the release of any civil liability in the prosecution and investigation of their cases.

The State also did not provide these men with any type of reparation to transition back into daily life; and the Fairbanks Four were left with the shirts on their backs to reintegrate into our Alaskan community. Despite their proven innocence, the difficulty of reentering society is profound for the wrongfully convicted; the failure to compensate them adds insult to injury.

Doyon asserts that the State of Alaska has an obligation to provide compassionate assistance to the wrongfully convicted, and HB 118 would take a step in the right direction. Thank you for your consideration of this bill, and for the work you do on behalf of Alaska. If you have any questions regarding Doyon's support for HB 118, please contact our office at 907-459-2092.

Sincerely,

Aaron M. Schutt
President and CEO
Doyon, Limited



Representative Scott Jiu Wo Kawasaki

Alaska State Legislature

District 1 Fairbanks

HB 118 Sponsor Statement

"An Act relating to compensation for wrongful conviction and imprisonment"

Our judicial system is meant to incarcerate the guilty and protect the innocent. If the system fails Alaskans, then the state is responsible to help the innocent get back on their feet.

With increasing technology, DNA exonerations have been on the rise. There have been 349 post-conviction DNA exonerations since 1989 with the vast majority occurring since 2000. These individuals spent an average of 14 years behind bars and were released into a changed world. House Bill 118 gives these wrongfully imprisoned victims a chance to start a new life and integrate back into society.

Specifically, HB 118 creates an administrative process whereby victims of overturned criminal convictions can request compensation from the state for time served. They can be compensated up to \$50,000 per year with a lifetime cap at \$2 million, University of Alaska tuition for themselves and their children, state-funded health care including mental health services, up to 3 years of state-funded job training services and economic damages including lost wages and attorney fees. In order to qualify for the compensation, the claimant must have served time in prison and then have been exonerated via retrial, dismissed charges, or executive pardon because of innocence.

While there is no price on the emotional and personal suffering of those who were wrongfully imprisoned, HB 118 would bring Alaska up to the federal compensation standards to help right the state's wrong. Financial compensation would help victims of wrongful imprisonment repair their lives by covering costs of education, healthcare, housing and transportation.

Thirty-two states and the District of Columbia have some sort of compensation statute. Every innocent person, regardless of how they became incarcerated, deserves just compensation for the time they wrongly served. HB 118 is a stepping stone in a long process towards ensuring justice for all Alaskans.

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