

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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HOUSE BILL 398

Short Title: Increase Erroneous Conviction Compensation. (Public)

Sponsors: Representatives Glazier, Michaux, Harrison, and Luebke (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Appropriations.

March 31, 2015

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE COMPENSATION FOR PERSONS ERRONEOUSLY CONVICTED OF A CAPITAL FELONY AND SENTENCED TO DEATH.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 148-84(a) reads as rewritten:

"(a) At the hearing the claimant may introduce evidence in the form of affidavits or testimony to support the claim, and the Attorney General may introduce counter affidavits or testimony in refutation. If the Industrial Commission finds from the evidence that the claimant received a pardon of innocence for the reason that the crime was not committed at all, received a pardon of innocence for the reason that the crime was not committed by the claimant, or that the claimant was determined to be innocent of all charges by a three-judge panel under G.S. 15A-1469 and also finds that the claimant was imprisoned and has been vindicated in connection with the alleged offense for which he or she was imprisoned, the Industrial Commission shall award to the to:

(1) A claimant who was imprisoned erroneously for a capital felony and sentenced to death an amount equal to one hundred thousand dollars (\$100,000) for each year or the pro rata amount for the portion of each year of the imprisonment actually served, including any time spent awaiting trial.

(2) A claimant who was imprisoned erroneously for a capital felony and sentenced to life imprisonment or who was imprisoned erroneously for a noncapital felony an amount equal to fifty thousand dollars (\$50,000) for each year or the pro rata amount for the portion of each year of the imprisonment actually served, including any time spent awaiting trial.

However, (i) in no event shall the compensation, including the compensation provided in subsection (c) of this section, exceed a total amount of one million five hundred thousand dollars (\$1,500,000) for a claimant awarded compensation under subdivision (1) of this subsection, or a total amount of seven hundred fifty thousand dollars (\$750,000), (\$750,000) for a claimant awarded compensation under subdivision (2) of this subsection, and (ii) a claimant is not entitled to compensation for any portion of a prison sentence during which the claimant was also serving a concurrent sentence for conviction of a crime other than the one for which the pardon of innocence was granted.

The Director of the Budget shall pay the amount of the award to the claimant out of the Contingency and Emergency Fund, or out of any other available State funds. The Industrial Commission shall give written notice of its decision to all parties concerned. The determination of the Industrial Commission shall be subject to judicial review upon appeal of the claimant or



1 the State according to the provisions and procedures set forth in Article 31 of Chapter 143 of
2 the General Statutes."

3 **SECTION 2.** This act is effective when it becomes law and applies to any person
4 granted a pardon of innocence by the Governor on or after that date.