

1 SB422  
2 151396-1  
3 By Senator Waggoner  
4 RFD: Judiciary  
5 First Read: 11-APR-13

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8 SYNOPSIS: Currently, persons who are wrongly  
9 incarcerated may make a claim for and receive  
10 payments authorized by the Committee for Wrongful  
11 Incarceration, and no part of the payment may be  
12 received by any person other than the person  
13 authorized to receive the payment.

14 This bill would provide for legal fees not  
15 exceeding 25 percent of the amount awarded to the  
16 person receiving payment for a claim.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 To amend Section 29-2-160, Code of Alabama 1975,  
23 relating to claims for payments for wrongful incarcerations;  
24 to provide that legal fees shall be limited to 25 percent of  
25 the amount awarded to the claimant.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 29-2-160 of the Code of Alabama  
2 1975, is amended to read as follows:

3           "§29-2-160.

4           "(a) The committee in its discretion may direct that  
5 payment of compensation claims to a claimant be made in a lump  
6 sum or in such installments as it deems appropriate, ~~but no~~  
7 ~~part of such claim shall be directed by the committee to any~~  
8 ~~person other than the person so pardoned or exonerated, nor~~  
9 ~~shall the person so pardoned or exonerated pay any part of the~~  
10 ~~sum received to any person for services rendered in connection~~  
11 ~~with its collection. Legal fees for services provided for any~~  
12 ~~person claiming payment pursuant to this article shall not~~  
13 ~~exceed 25 percent of the total payment made to the person or~~  
14 ~~his or her estate.~~ Notwithstanding the above, in the event  
15 that a person awarded compensation dies prior to receiving the  
16 full amount of his or her compensation, the person's estate  
17 shall be eligible to receive any remaining compensation.

18           "(b) Any right to apply for compensation under this  
19 article shall cease upon the death of the claimant.

20           "(c) If a person has submitted an application for  
21 compensation to the Division of Risk Management, but dies  
22 prior to the application being certified for compensation, the  
23 estate of the person shall be eligible to receive said  
24 compensation.

25           "(d) In awarding compensation under this section,  
26 the committee shall not offset the award by any expenses  
27 incurred by the state or any political subdivision of the

1 state in connection with the arrest, prosecution, and  
2 imprisonment of the individual, including, but not limited to,  
3 expenses for food, clothing, shelter, and medical care."

4 Section 2. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or its otherwise becoming law.