

1 HB284
2 135131-1
3 By Representatives Rogers, Moore (M), Robinson (O) and Givan
4 RFD: Public Safety and Homeland Security
5 First Read: 09-FEB-12

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8 SYNOPSIS: Under existing law, a person who contends
9 that he or she has been wrongly incarcerated in the
10 state penal system for a felony offense may apply
11 to the Committee on Compensation for Wrongful
12 Incarceration for compensation for being wrongly
13 incarcerated.

14 This bill would increase the maximum amount
15 that may be awarded to a person who has been
16 wrongly incarcerated.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 To amend Section 29-2-159, Code of Alabama 1975,
23 relating to compensation for persons who were wrongfully
24 convicted and incarcerated in the state penal system; to
25 increase the maximum amount that may be awarded to a person
26 who has been wrongly incarcerated.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 29-2-159, Code of Alabama 1975,
2 is amended to read as follows:

3 "§29-2-159.

4 "(a) If an applicant's eligibility is verified by
5 the Division of Risk Management, the committee shall certify
6 to the applicant an amount equal to ~~fifty thousand dollars~~
7 ~~(\$50,000)~~ seventy-five thousand dollars (\$75,000) for each
8 year or the pro rata amount for the portion of each year of
9 incarceration.

10 "(b) The committee, after hearing testimony, shall
11 have the authority to recommend some discretionary amount in
12 addition to the base amount if circumstances warrant such a
13 supplemental award. Any such supplemental amount shall be in
14 the form of a bill to be presented to the Legislature.

15 "(c) At the hearing on additional compensation the
16 applicant may introduce evidence in the form of affidavits or
17 testimony to support the additional compensation as provided
18 in subsection (b) and the Attorney General or the local
19 prosecutor's office under whose jurisdiction the case was
20 prosecuted may introduce counter affidavits or testimony in
21 refutation. If the committee finds from the evidence that the
22 applicant warrants additional compensation, it shall recommend
23 the amount the applicant is eligible to be paid for over the
24 base amount and shall make a recommendation to the
25 Legislature.

26 "(d) The Comptroller upon proper certification from
27 the committee shall pay the amount of the base award to the

1 applicant out of any available state funds appropriated by the
2 Legislature for such purposes. Any amounts for additional
3 compensation passed by the Legislature will be paid as
4 provided for in such legislation.

5 "(e) The committee shall give written notice of its
6 certifications within 10 days to all parties involved in the
7 process as well as the appropriate state officials charged
8 with processing the compensation. The determination of the
9 committee shall not be subject to review upon appeal of the
10 claimant or the state."

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