

Bill Number: HB 742
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF HOUSE BILL 742
COMPENSATION TO INDIVIDUAL ERRONEOUSLY CONVICTED,
SENTENCED, AND CONFINED (THE WALTER LOMAX ACT)

I write in support of House Bill 742 which would compensate those who are wrongfully convicted of a crime. This issue was fully reviewed by the task force to study erroneous convictions. The task force was established in 2017. I served on that task force that this body established when we could not reach a conclusion. I was chairman of the task force for a brief period of time. We need to resolve this issue and House Bill 742 is the way to do that. This has gone on too long.

Maryland currently has no mechanism to compensate those who were wrongly convicted. It is left to the Board of Public Works which does not have the mechanisms for this sometimes complicated task.

House Bill 742 does many things:

1. Establishes a standard amount to be awarded to an inmate based upon the State's most recent annual median household income.
2. Directs State agencies to assist in the transition from incarceration to a life of freedom. Including items as simple as identification cards.
3. Establishes a mechanism so that an inmate is not compensated twice for the same wrong by subtracting any amount previously awarded.
4. Establishes a system by which Administrative Law Judges can make findings to determine if compensation is appropriate. Innocence must be proven by clear and convincing evidence.
5. Allows for reasonable attorney fees.
6. Establishes a formula in which compensation is paid over time.

This issue has been unresolved for too long. House Bill 742 addresses many of the issues raised over the last several years about earlier versions of the bill.

House Bill 742 gets it right. I urge a favorable vote.