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By: **Delegates Fulton, Patterson, Paige, Phillips, Oaks, Dobson, Branch, and  
C. Davis**

Introduced and read first time: January 14, 2000

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Board of Public Works - Payments to Erroneously Convicted Individuals**  
3 **Released Under Court Order**

4 FOR the purpose of altering the authority of the Board of Public Works to allow the  
5 payment of a certain grant to a convicted individual who has been released from  
6 imprisonment under a certain court order; defining a certain term; making  
7 certain stylistic changes; and generally relating to the authority of the Board of  
8 Public Works to make a certain grant to a convicted individual who has been  
9 released from imprisonment under a certain court order.

10 BY repealing and reenacting, with amendments,  
11 Article - State Finance and Procurement  
12 Section 10-501  
13 Annotated Code of Maryland  
14 (1995 Replacement Volume and 1999 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - State Finance and Procurement**

18 10-501.

19 (A) IN THIS SECTION, "ACTUAL DAMAGES" INCLUDES NONECONOMIC  
20 DAMAGES.

21 [(a)] (B) (1) Subject to subsection [(b)] (C) of this section, the Board of  
22 Public Works may grant to an individual erroneously convicted, sentenced, and  
23 confined under State law for a crime the individual did not commit an amount  
24 commensurate with the actual damages sustained by the individual due to the  
25 confinement.

1           (2)       In making a grant under paragraph (1) of this subsection, the Board  
2 of Public Works shall use money in the General Emergency Fund or money that the  
3 Governor provides in the annual budget.

4       [(b)]   (C)       An individual is eligible for a grant under subsection [(a)] (B) of this  
5 section only if:

6                   (1)       the individual has received from the Governor a full pardon  
7 stating that the individual's conviction has been shown conclusively to be in error; OR

8                   (2)       **THE INDIVIDUAL HAS BEEN RELEASED FROM IMPRISONMENT**  
9 **AS A RESULT OF A COURT ORDER STATING THE INDIVIDUAL WAS ERRONEOUSLY**  
10 **CONVICTED.**

11       [(c)]   (D)       The Board of Public Works may pay the grant determined under  
12 subsection [(a)] (B) of this section in a lump sum or in installments.

13       [(d)]   (E)       (1)       The Board of Public Works may not pay any part of a grant  
14 made under this section to any individual other than [the pardoned] AN individual  
15 DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION.

16                   (2)       (i)       An individual may not pay any part of a grant received under  
17 this section to another person for services rendered in connection with the collection  
18 of the grant.

19                               (ii)       An obligation incurred in violation of this paragraph is void.

20                               (iii)       A payment made in violation of this paragraph shall be forfeited  
21 to the State.

22       [(e)]   (F)       This section does not prohibit an individual from contracting for  
23 services to:

24                   (1)       determine the individual's innocence;

25                   (2)       obtain a pardon; or

26                   (3)       obtain the individual's release from confinement.

27       **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
28 **October 1, 2000.**