

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 113 (Delegate Fulton. *et al.*)

Judiciary

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

This bill authorizes the Board of Public Works (BPW) to make a grant for actual damages to a convicted individual who has been released from imprisonment as a result of a court order stating the individual to have been erroneously convicted. The bill also alters the definition of actual damages to include noneconomic damages.

Fiscal Summary

State Effect: The effect of this bill's expanded grant authority for the BPW cannot be reliably predicted. While any one grant payment by the BPW under provisions allowing inclusion of noneconomic damages could be substantial, the frequency of such payments is expected to continue to be rare.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: An individual is eligible for a grant for "actual damages" only if the individual has received a full pardon from the Governor stating that the conviction has been shown conclusively to be in error. Such grant payments are discretionary for the BPW, but if paid, are required to be made from the General Emergency Fund or money provided in the budget by the Governor.

Background: In the last decade, there have been only two awards for economic damages paid by the BPW. One was to Leslie Vass for \$250,000 and the other to Kirk Bloodworth

for \$300,000. Both of these individuals had been released from incarceration and pardoned by the Governor.

In 1999, HB 1213 was introduced to provide \$7.5 million in the budget of the Department of Public Safety and Correctional Services (DPSCS) in order to compensate Anthony Gray, Jr. for his wrongful murder conviction and imprisonment. This measure was not successful, but was introduced because, without a pardon, Mr. Gray was barred from seeking a grant from the BPW. The courts had released Mr. Gray after the Calvert County State's Attorney reopened the case and determined there to be no evidence linking him to the crime.

Additional Information

Prior Introductions: HB 1213 was introduced in 1999 to provide \$7.5 million in the budget of DPSCS in order to compensate Anthony Gray, Jr. for his wrongful murder conviction and imprisonment. The General Assembly took no action on this bill.

Cross File: None.

Information Source(s): Board of Public Works, Department of Public Safety and Correctional Services (Division of Correction), Department of Legislative Services

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cm/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510