

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE

House Bill 1456  
Judiciary

(Delegate Flanagan, *et al.*)

---

Compensation for Erroneous Conviction and Imprisonment - Eligibility  
Requirements

---

This bill alters the eligibility requirements for a grant for actual damages to an individual who has been erroneously convicted, sentenced, and confined for a crime the individual did not commit. Specifically, the bill requires the Board of Public Works (BPW) to make a finding that the conviction has been shown conclusively to be in error, and eliminates the existing requirement that the individual must have received a full pardon from the Governor stating the conviction to have been conclusively erroneous.

---

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 the bill's provisions 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" (now named the Contingent 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 Bloodsworth for \$300,000. Both of these individuals had been released from incarceration and pardoned by the Governor.

HB 665 has been introduced this session 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. Gray was arrested and convicted in the 1991 murder of a Chesapeake Beach woman. Without a pardon, Mr. Gray is barred from seeking a grant from the BPW. The courts had released Mr. Gray in 1999 after the Calvert County State's Attorney reopened the case and determined there to be no evidence linking him to the crime.

More recently, the Baltimore Sun has chronicled the case of Michael Austin, who has been incarcerated for 26 years for the murder of a security guard shot during an April 1974 robbery of a Crown Food Market in East Baltimore. Various persons, including the former State's Attorney who prosecuted Austin, have said that his conviction was based on false testimony and flawed evidence. Austin's case is expected to be reviewed soon in Baltimore Circuit Court.

The Governor's fiscal 2002 budget allowance includes an allocation of \$750,000 for the Contingent Fund.

---

### **Additional Information**

**Prior Introductions:** In 2000, HB 113 would have altered the authority of the BPW to allow the payment of a grant to a convicted individual who has been released from imprisonment under a certain court order. That bill received an unfavorable report from the Judiciary Committee. In 1999, HB 1213 was introduced 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):** Office of the Governor, Board of Public Works, Department of Legislative Services

**Fiscal Note History:** First Reader – April 2, 2001  
cm/jr

---

Analysis by: Guy G. Cherry

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

