

Department of Legislative Services  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 1448  
Judiciary

(Delegate Marriott, *et al.*)

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**Compensation for Erroneous Conviction and Imprisonment - Eligibility Requirements**

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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.

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**Fiscal Summary**

**State Effect:** 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, and would come from existing budgeted funds.

**Local Effect:** None.

**Small Business Effect:** None.

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

HB 665 of 2001 was introduced to provide \$7.5 million in the budget of the Department of Public Safety and Correctional Services in order to compensate Anthony Gray, Jr. for his wrongful murder conviction and imprisonment. Mr. 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. HB 665 received an unfavorable report from the House Appropriations Committee.

In 2001 *The Baltimore Sun* chronicled the case of Michael Austin, who had 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 guilty verdict was reversed in Baltimore City Circuit Court last December.

The Governor's fiscal 2003 budget allowance includes an allocation of \$750,000 for the Contingent Fund.

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### **Additional Information**

**Prior Introductions:** HB 1456 of 2001 had a hearing before the House Judiciary Committee and had no further action taken on it.

**Cross File:** None.

**Information Source(s):** Office of the Governor, Board of Public Works, Department of Legislative Services

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