

HOUSE BILL 10
EMERGENCY BILL

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HB 1448/02 - JUD

2003 Regular Session
3lr0396

(PRE-FILED)

By: **Delegate Burns**

Requested: November 13, 2002

Introduced and read first time: January 8, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Compensation for Erroneous Conviction and**
3 **Imprisonment - Eligibility Requirements**

4 FOR the purpose of altering the eligibility requirements for a grant to certain
5 individuals for erroneous conviction, sentencing, and confinement to require a
6 finding by the Board of Public Works that the individual's conviction has been
7 shown conclusively in error; providing for the application of this Act; making
8 this Act an emergency measure; and generally relating to compensation for an
9 erroneous conviction and imprisonment.

10 BY repealing and reenacting, with amendments,
11 Article - State Finance and Procurement
12 Section 10-501
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2002 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) (1) Subject to subsection (b) of this section, the Board of Public Works
20 may grant to an individual erroneously convicted, sentenced, and confined under
21 State law for a crime the individual did not commit an amount commensurate with
22 the actual damages sustained by the individual due to the confinement.

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

26 (b) An individual is eligible for a grant under subsection (a) of this section only
27 if [the individual has received from the Governor a full pardon stating] THE BOARD

1 OF PUBLIC WORKS MAKES A FINDING that the individual's conviction has been shown
2 conclusively to be in error.

3 (c) The Board of Public Works may pay the grant determined under
4 subsection (a) of this section in a lump sum or in installments.

5 (d) (1) The Board of Public Works may not pay any part of a grant made
6 under this section to any individual other than the [pardoned] individual WHOSE
7 CONVICTION HAS BEEN SHOWN CONCLUSIVELY TO BE IN ERROR.

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

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

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

14 (e) This section does not prohibit an individual from contracting for services
15 to:

16 (1) determine the individual's innocence;

17 (2) obtain a pardon; or

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to a
20 conviction occurring before, on, or after the effective date of this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an
22 emergency measure, is necessary for the immediate preservation of the public health
23 or safety, has been passed by a ye and nay vote supported by three-fifths of all the
24 members elected to each of the two Houses of the General Assembly, and shall take
25 effect from the date it is enacted.