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2003 Regular Session (3lr1057)

ENROLLED BILL

-- Judicial Proceedings/Judiciary --

Introduced by Senators Hughes and Gladden

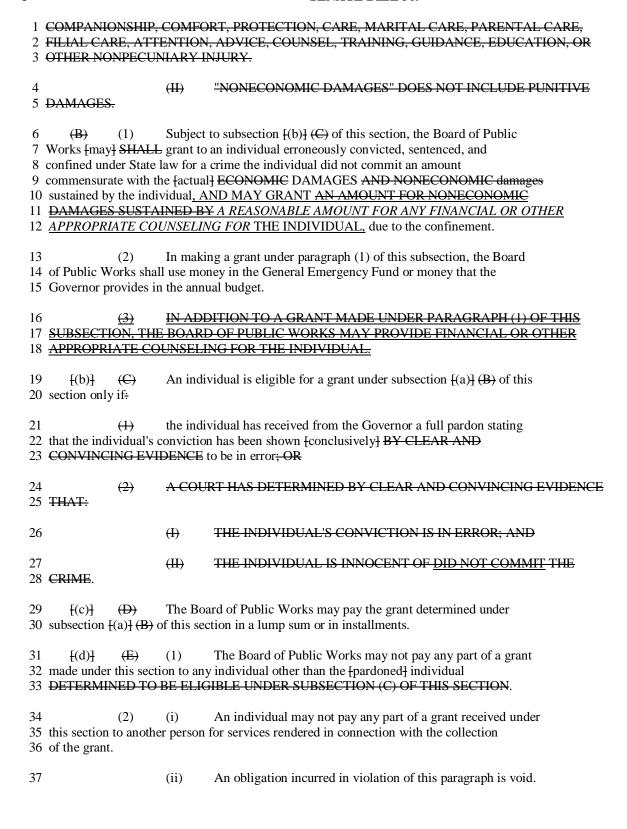
muoc	duced by Senators rughes and Gladden			
	Read and Examined by Proofreaders:			
		Proofreader.		
Seale	d with the Great Seal and presented to the Governor, for his approval thisday of at o'clock,M.	Proofreader.		
		President.		
	CHAPTER			
1 A	AN ACT concerning			
2 3 4	Civil Damages - State Compensation for Erroneous Conviction and Imprisonment - Evidentiary Standard and Eligibility <u>Financial and Other Appropriate Counseling</u>			
5 F 6	FOR the purpose of requiring the Board of Public Works to grant certain economic damages and authorizing the Board to grant certain noneconomic damages to			
7	certain individuals who are erroneously convicted, sentenced, and confined			
8	under a State law for crimes the individuals did not commit; authorizing the			
9 10 11 12 13 14 15 16 17	Board of Public Works to provide certain counseling; requiring that the eligibility of certain individuals for a certain grant be based on certain pardons by the Governor under certain circumstances or based on a court's determination by clear and convincing evidence that the convictions of the individuals are in error and that the individuals are innocent of did not commit the crime; defining certain terms; prohibiting the Board of Public Works from paying any part of a certain grant to any individuals other than certain individuals eligible to receive the grant under certain circumstances; altering a certain statement in a pardon required to rebut a certain presumption			

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1 2 3 4 5 6 7	authorizing the Board of Public Works to grant a reasonable amount for any financial or other appropriate counseling for an individual who is erroneously convicted, sentenced, and imprisoned under State law for a crime the individual did not commit if the individual received a certain pardon from the Governor: providing for the application of this Act; and generally relating to damages for certain individuals erroneously convicted, sentenced, and confined under State law.				
8	BY repealing and reenacting, with amendments,				
9					
10					
11	Annotated Code of Maryland				
12	2 (1999 Volume and 2002 Supplement)				
13	BY repealing and reenacting, with amendments,				
14					
15					
16	Annotated Code of Maryland				
17	7 (2001 Replacement Volume and 2002 Supplement)				
18 19	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
20	Article - Correctional Services				
21	7.601				
21	7-601.				
22	(c) There is a presumption that the grantee of a pardon was lawfully and				
23	Properly convicted of a crime against the State unless the order granting the pardon				
24	states that the grantee has been shown [conclusively] BY CLEAR AND CONVINCING				
25	EVIDENCE to have been convicted in error.				
26	Article - State Finance and Procurement				
27	10-501.				
28 29	(a) (1) IN THIS SECTION THE FOLLOWING TERMS WORDS HAVE THE MEANINGS INDICATED.				
30 31	(2) (I) "ECONOMIC DAMAGES" MEANS LOSS OF EARNINGS AND MEDICAL EXPENSES.				
32 33	(II) "ECONOMIC DAMAGES" DOES NOT INCLUDE PUNITIVE DAMAGES.				
34 35	(3) (I) "NONECONOMIC DAMAGES" MEANS PAIN, SUFFERING, INCONVENIENCE, PHYSICAL IMPAIRMENT, DISFIGUREMENT, LOSS OF CONSORTIUM,				

36 MENTAL ANGUISH, EMOTIONAL PAIN AND SUFFERING, LOSS OF SOCIETY,

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1 2 to the State.		(iii) A payment made in violation of this paragraph shall be forfeited			
3	(F)	This section does not prohibit an individual from contracting for			
5	(1)	determine the individual's innocence;			
6	(2)	obtain a pardon; or			
7	(3)	obtain the individual's release from confinement.			
8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be					
9 construed to apply only prospectively and may not be applied or interpreted to have					
10 any effect on or application to any application for a grant by the Board of Public Works					

- 11 filed before the effective date of this Act.
- 12 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take 13 effect October 1, 2003.