
By: **Senators Hughes and Gladden**
Introduced and read first time: January 31, 2003
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Board of Public Works - Erroneous Conviction, Sentence, and Confinement -**
3 **Eligibility for State Funds for Counseling**

4 FOR the purpose of authorizing the Board of Public Works to grant to an individual
5 erroneously convicted, sentenced, and confined under State law for a crime the
6 individual did not commit, funds that may only be used to pay the cost of
7 financial and life planning counseling for the individual; and generally relating
8 to grants issued by the Board of Public Works.

9 BY repealing and reenacting, with amendments,
10 Article - State Finance and Procurement
11 Section 10-501
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2002 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Finance and Procurement**

17 10-501.

18 (a) (1) Subject to subsection (b) of this section, the Board of Public Works
19 may grant to an individual erroneously convicted, sentenced, and confined under
20 State law for a crime the individual did not commit an amount commensurate with
21 the actual damages sustained by the individual due to the confinement.

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

25 (3) IN ADDITION TO FUNDS PROVIDED TO AN INDIVIDUAL UNDER
26 PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF PUBLIC WORKS MAY PROVIDE
27 FUNDS THAT MAY ONLY BE USED TO PAY THE COST OF FINANCIAL AND LIFE
28 PLANNING COUNSELING FOR THE INDIVIDUAL.

1 (b) An individual is eligible for a grant under subsection (a) of this section only
2 if the individual has received from the Governor a full pardon stating that the
3 individual's conviction has been shown conclusively to be in error.

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

6 (d) (1) The Board of Public Works may not pay any part of a grant made
7 under this section to any individual other than the pardoned individual.

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 take effect
20 October 1, 2003.