

SENATE BILL 348

D3

7lr1935
CF 7lr2840

By: **Senators Kelley, Brochin, Conway, Currie, DeGrange, Ferguson, Lee, Madaleno, McFadden, Muse, Nathan-Pulliam, Ramirez, Robinson, Rosapepe, and Smith**

Introduced and read first time: January 25, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Compensation for Erroneous Conviction and Imprisonment –**
3 **Gubernatorial Pardon Requirement – Repeal**

4 FOR the purpose of repealing a requirement that an erroneously convicted individual must
5 receive a gubernatorial pardon to be eligible for certain payments by the Board of
6 Public Works; making conforming changes; and generally relating to State
7 compensation for erroneously convicted and imprisoned individuals.

8 BY repealing and reenacting, with amendments,
9 Article – State Finance and Procurement
10 Section 10–501
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2016 Supplement)

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

15 **Article – State Finance and Procurement**

16 10–501.

17 (a) (1) [Subject to subsection (b) of this section, the] **THE** Board of Public
18 Works may grant to an individual erroneously convicted, sentenced, and confined under
19 State law for a crime the individual did not commit an amount commensurate with the
20 actual damages sustained by the individual, and may grant a reasonable amount for any
21 financial or other appropriate counseling for the individual, due to the confinement.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

9 [(d)](C) (1) The Board of Public Works may not pay any part of a grant made
10 under this section to any individual other than the [pardoned] **ERRONEOUSLY**
11 **CONVICTED** individual.

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

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

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

18 [(e)](D) This section does not prohibit an individual from contracting for
19 services to:

20 (1) determine the individual's innocence;

21 (2) obtain a pardon; or

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2017.