



Senate Bill 797 Favorable
Fixing Maryland's Exoneree Compensation Law
Michele Nethercott, University of Baltimore Innocence Project Clinic
Senate Judicial Proceedings Committee
February 26, 2020

I write today to urge a favorable recommendation from this Committee on Senate Bill 797. I have represented a number of Maryland exonerees who were released from prison frequently with little advance notice that they were about to be released and typically without even the minimal pre-release assistance that is provided to guilty prisoners who have completed their sentence. I have personally observed the struggle of so many of these men to obtain identification, health care and a means of sustaining themselves while adjusting to a world many of them left decades ago when they were imprisoned for crimes they did not commit. For exonerees without family members to provide shelter and assistance to them upon release, the post-release phase has been dire and traumatic. Those individuals who have endured the horror of being convicted and incarcerated for crimes they did not commit deserve better treatment from the State of Maryland.

Over the years I have worked on the issue of amending Maryland's compensation law to ensure that it compensates only those who were factually innocent of the crimes they were convicted of and does so in a fair manner that is fiscally responsible. I have served on the legislative Task Force to Study Erroneous Conviction and Imprisonment in 2017 and had the opportunity to consider input from various stakeholders regarding the need for a predictable and affordable compensation scheme. Over the last several years I believe that a consensus has emerged among those who have studied this issue that Maryland's compensation scheme needs to: 1) mandate rather than permit compensation for those who meets its requirements, 2) provide a formula for compensation that takes into

account the length of incarceration; 3) provides health care and educational assistance; 4) provide a mechanism for either a prosecutorial or administrative determination of eligibility for compensation and 5) require a reduction of any award under this statute for any other compensation received by an exoneree in a civil action related to the wrongful conviction. Senate Bill 797 accomplishes all these objectives and I am happy to join with State's Attorney Scott Schellenberger, who served as Chairman of the Task Force on Erroneous Conviction and Imprisonment, in urging this committee to give a favorable recommendation to this legislation.