

Senate Bill 797 FAVORABLE
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The Mid-Atlantic Innocence Project (MAIP) is dedicated to exonerating innocent people who have been wrongfully convicted in Maryland, Virginia, and Washington, D.C., and promoting policies to prevent and address wrongful convictions. MAIP supports Senate Bill 797 because it will fix the current exoneree compensation law, which is flawed and does not ensure that exonerees receive prompt, fair compensation.

Hubert James Williams is a Vietnam veteran who spent nearly 12 years in prison for a Baltimore County attempted murder that he didn't commit. When he won a writ of actual innocence in 2009 and was released, Mr. Williams had nothing. A courthouse employee loaned him bus fare so he could get to his mother's house. His post-exoneration life has been miserable. Because of his wrongful conviction, he lost his job, his family, and his will to live. Mr. Williams struggles with substance abuse but couldn't afford proper treatment, has profound physical and mental health problems, and has attempted suicide several times. He alternated between unsafe VA-supported house and homelessness; in either setting, he was frequently robbed and beaten.

In January 2017, lawyers for Mr. Williams filed a compensation petition on his behalf with the Board of Public Works (BPW). That petition was accompanied by a certification from the Baltimore County State's Attorney that he was innocent and a request by the lawyers to expedite his petition because Mr. Williams' situation was so dire. Although the BPW staff promptly reviewed the petition, the BPW did not act on that claim for 21 months, until October 2019.

Mr. Williams was not alone. Between 2004 and October 2019, not a single exoneree in Maryland received compensation from the state, even though Maryland has long been one of the 35 states with a law that theoretically provided for such compensation – and even though there were four DNA exonerations and five other Writs of Actual Innocence granted during that time. The compensation law initially allowed only those with a gubernatorial pardon to receive compensation. Given the difficulty of securing pardons, even in cases where a prosecutor agreed that someone was innocent, this body changed the law in 2016 to allow compensation in cases where prosecutors certified innocence.

Unfortunately, that was not enough. Between January 2017 and June 2019, five men with such certifications, including Mr. Williams, sought compensation from the BPW. The BPW did not act on those claims, suggesting that it was not equipped to determine how much each exoneree should receive. Finally, under significant pressure from legislators and the media, it agreed in October 2019 to compensate the five men.

Senate Bill 797 would address these problems by: (1) providing a set amount of compensation rather than asking the BPW to individually assess claims; (2) setting that amount at \$78,916 per year of wrongful incarceration, the formula used to compensate the five men in October 2019; and (3) streamlining the process by assigning Administrative Law Judges (ALJs) to assess eligibility and requiring the BPW to compensate those who are deemed eligible. In addition, it would provide much-needed services to exonerees upon their release — critically important measures that will have a sustainable impact on their transition back to society.

This body has long believed that the state has a responsibility to compensate those who have spent time in prison for crimes they didn't commit. As the past 15 years have demonstrated, that goal cannot effectively be achieved without fixing the current law. Senate Bill 797 does just that, and MAIP therefore urges this committee to issue a favorable report.