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**TESTIMONY IN SUPPORT OF HB985**  
**Compensation to Individual Erroneously Convicted, Sentenced, and Confined or  
Whose Conviction or Adjudication Is Reversed**

**TO:** Chair Clippinger, Vice Chair Atterbeary, and members of the Judiciary Committee

**FROM:** Bruce Turnbull

My name is Bruce H. Turnbull. I live in Bethesda in Maryland, in legislative District 16. This testimony is in support of HB985. I strongly support enactment of this legislation to ensure that wrongly incarcerated individuals have the right to compensation and a workable mechanism to obtain that compensation.

While I have no personal experience, either for myself or someone close to me, with being wrongfully incarcerated, and cannot, therefore, speak for the community that has been, and is, so affected, I believe that it is crystal clear that our society has an obligation to take whatever action we can to correct such an injustice, including its adverse economic effects.

Our country's Founders declared that Americans are "endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." When our government incarcerates a person, that person is deprived of liberty and the ability to pursue happiness and may be deprived of life itself. For our government to take such an action in error means that our government has undermined the very basis of our democracy and that we the people must do everything we can to right that wrong. To provide fair compensation to a person who has been so wronged is the least that we can do.

Yet, in the State of Maryland, there has been no right of compensation, and the process that has existed for obtaining compensation has failed miserably. Until last fall, no wrongfully incarcerated person had been given any compensation for 15 years! And last fall's actions to compensate five individuals came only after 13 years of waiting for one person, and at least 20 months after one of the other petitioners filed his request for compensation. Further, the Board of Public Works demonstrated that it is not prepared to do the job that is needed without new legislative authority.

In the wake of last fall's activities, the members of the Board of Public Works asked the legislature to provide a fair process and clear guidance on the amounts to be paid. The pending legislation accomplishes both of those objectives – establishing an administrative law judge-based process for determining eligibility, requiring the Board of Public Works to pay those found eligible, and specifying the amount for compensation for lost income. Most

importantly, the legislation would establish a person has the right to compensation for wrongful incarceration.

With respect to the criteria that the individual must meet in order to qualify for compensation, the legislation would add a very important new method in that it would allow the administrative law judge to find that the necessary elements have been met. Current law requires either a pardon from the Governor, something that may be hard to obtain given the tradition of pardons being reserved for unusual cases, or a statement from the relevant state's attorney, also potentially hard to obtain especially given that this is the very office that prosecuted the individual in the first place.

In addition to the specific requirement for the amount of compensation for lost income, the legislation provides for compensation for other specific purposes, including personal identification, housing, education and training, court fees, and health and dental care. This list follows very closely the recommendations of the The Innocence Project<sup>1</sup>. .

In addition to supporting passage of this critical and long overdue legislation, I also encourage the legislature to monitor its implementation carefully to ensure that the process is accessible, efficient, and effective in providing this essential compensation.

**I respectfully urge a favorable report on HB985.**

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<sup>1</sup> <https://www.innocenceproject.org/compensating-wrongly-convicted/>