

KATHLEEN M. DUMAIS  
Legislative District 15  
Montgomery County

Vice Chair  
Economic Matters Committee

Chair  
Property and Casualty Insurance  
Subcommittee

House Chair  
Joint Committee on Legislative Ethics



The Maryland House of Delegates  
6 Bladen Street, Room 231  
Annapolis, Maryland 21401  
410-841-3052 · 301-858-3052  
800-492-7122 Ext. 3052  
Fax 410-841-3219 · 301-858-3219  
Kathleen.Dumais@house.state.md.us

## The Maryland House of Delegates

ANNAPOLIS, MARYLAND 21401

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### Testimony in Support of House Bill 985 – Compensation to Individual Erroneously Convicted, Sentenced, and Confined or Whose Conviction or Adjudication Is Reversed

Good afternoon Mr. Chairman and members of the Committee. Thank you for the opportunity to speak to you on behalf of **House Bill 985 – Compensation to Individual Erroneously Convicted, Sentenced, and Confined or Whose Conviction or Adjudication Is Reversed**.

A wrongfully convicted and incarcerated individual who has been judicially exonerated needs immediate education and training for employment and life skills. He or she needs housing and the resources for the pursuit of an education to made available. He or she may need medical and dental health services. An exonerated individual, especially one who is indigent, needs swift and comprehensive assistance. Our current law authorizes the Board of Public Works (BPW) to compensate individuals erroneously convicted, sentenced, and confined. House Bill 1184 would require, rather than authorize, such compensation. The BPW must compensate an exoneree upon a finding of eligibility by an administrative law judge.

Specifically, the bill:

- Requires BPW to make compensation payments within sixty days after receiving an order.
- Establishes that the compensation shall be equal to, for each year that the individual was wrongfully confined, the average of the State's median household income as published by the U.S. Census Bureau for the five years immediately preceding the finding of eligibility.
- Allows the administrative law judge to direct appropriate state agencies or service providers to provide the individual certain free benefits and cover certain expenses.
- Stipulates that monetary awards to the individual from a civil suit or settlement agreement with the State or a political subdivision of the State based on the erroneous conviction, sentence, or confinement shall be reduced pursuant to the compensation amount – or, in the case of the compensation that has been paid, reimbursed – less attorney's fees and costs.
- Grants standing for compensation to the individual's estate if the individual is deceased.
- Sets retroactive application parameters.

- Imposes annual reporting obligations of the BPW to the General Assembly.
- Requires the office of Administrative Hearings to adopt regulations for administering this policy.

This measure has an effective date of July 1, 2020. House Bill 985 is based on the recommendations of the Task Force to Study Erroneous Conviction and Imprisonment. I respectfully request a favorable report.