



Testimony Concerning HB 985

“Compensation to Individual Erroneously Convicted, Sentenced, and Confined or Whose Conviction or Adjudication Is Reversed”

Submitted to the House Judiciary Committee

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Position: SUPPORT

Dear Delegates Clippinger and Atterbeary,

I, Dr. Jeff Kukucka, Assistant Professor of Psychology at Towson University, strongly support HB 985. My research examines the causes and consequences of wrongful convictions in the criminal justice system. In my career, I have published 18 peer-reviewed papers on this topic and presented my work at professional conferences over 50 times. This testimony represents my own views based on the extant scientific literature and does not necessarily represent the views of Towson University.

Since 1989, over 2,500 wrongful convictions have been discovered in the United States. On average, these individuals spent nine years incarcerated for crimes that they did not commit. As attention to this problem has grown, wrongful convictions are being discovered at an accelerating rate—including nearly 1,000 exonerations since 2014 alone.

Research on post-exoneration adjustment has established that wrongly convicted individuals face myriad challenges after their release—including but not limited to poverty, unemployment, homelessness, and mental and physical illness. In one study, for example, exonerees showed rates of clinical depression (44%) and post-traumatic stress disorder (27%) well above those in the general population (7% and 4%, respectively).¹

My own research has shown that wrongly convicted individuals also face stigma, hiring discrimination, and housing discrimination at a level comparable to ex-offenders. Ironically, however, they are typically

¹ Jennifer Wildeman et al., *Experiencing Wrongful and Unlawful Conviction*, 50 JOURNAL OF OFFENDER REHABILITATION 411 (2011).

ineligible for the re-entry assistance offered to parolees—such as access to halfway housing or free vocational training—precisely because they did not commit the crime for which they were incarcerated.

HB 985 will provide exonerees with financial restitution commensurate with the length of their incarceration, as well as improved access to housing, job and vocational training, health care, and education. The benefits of these services—both to the individual and to society—are undeniable. For example, studies have found that exonerees who received larger amounts of financial restitution were less likely to commit future criminal offenses, and that exonerees who were actively employed were less likely to suffer from mental illness than those who were not.

In sum, the scientific evidence indicates that wrongful convictions are being discovered at an accelerating rate, that wrongly convicted individuals face significant reentry challenges, and that they—and indeed we all—stand to benefit from the services prescribed in HB 985. For this reason, I urge your favorable consideration of this bill.

Sincerely,



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