

SB14 Maryland Compensation Bill - Kirk Bloodsworth

Uploaded by: Bloodsworth, Kirk

Position: FAV



Kirk Bloodsworth Testimony in Support of MD SB14 Exoneree Compensation
Senate Judicial Proceedings Committee
February 4, 2021

Dear Senate Judicial Proceedings Committee Members,

My name is Kirk Bloodsworth. I was sentenced to death in Maryland. I spent 8 years, 10 months, and 19 days in prison, 2 years of which were on death row, for a crime I did not commit. I was the first American on death row to be exonerated with DNA evidence.

You might be familiar with my story because I fought successfully to end Maryland's death penalty and Congress created the Bloodsworth grant DNA testing program in my name. Because my case is high profile, people wrongly assume that I'm financially secure.

In 1994 the state of Maryland paid me \$300,000 in state compensation for my wrongful imprisonment. I used that money to pay back my father, who spent hundreds of thousands of dollars in legal fees to save my life.

At the age of 60, my wrongful conviction continues to economically impact me. I am living paycheck to paycheck and struggling to cover medical expenses from my recent battle with liver cancer. I have no savings or retirement money. Senate Bill 14 would provide me with supplemental compensation, and it would have a big impact in my life.

The story of my wrongful conviction began in 1984. At the time I was a recently married, 22-year-old, honorably discharged marine with no criminal history, working as an Eastern Shore waterman when a terrible tragedy occurred. A nine-year-old girl named Dawn Hamilton was found raped and murdered in a wooded area. It would take nearly two decades for Dawn's murderer to be brought to justice, because I was mistakenly convicted of his crimes. I will never forget the sound of the death row cell door slamming shut like a tail gate of a dump truck.

Years went by, and my lawyers learned that there was another suspect in the case that we had not been told about. More years went by and I learned of DNA technology. When the prosecutor's office finally agreed to DNA testing, the results showed that the DNA did not match mine. I received a full pardon in December of 1993.

It is not controversial to say that no innocent person should be sent to death row. Once a mistake like what happened to me is uncovered, it should be rectified as thoroughly and as quickly as possible, including compensation for the time lost due to being wrongfully convicted and incarcerated.

As you can imagine, much of the damage done by a wrongful conviction cannot be rectified. The lost opportunities cannot be recouped and the psychological impact of facing execution never goes away.

[Witness to Innocence](http://www.witnesstoinnocence.org) | [Empowering the Exonerated to End the Death Penalty](http://www.witnesstoinnocence.org)
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Financial compensation cannot fully remedy the effects of a wrongful conviction, but it is absolutely essential. For me, navigating life after a death row exoneration means building and maintaining a future I never thought I would see. The importance of having the financial means to provide for myself and access needed resources cannot be overstated.

It's been 27 years and I am still suffering the consequences of my wrongful conviction. Despite my exoneration, people still believed I did it, which made it hard to get a job. I was homeless for a time.

I have survived financially by being paid for speaking engagements and working for a toolmaker. I am now the Executive Director of Witness to Innocence, an organization of men and women from across the country who were wrongfully convicted and sentenced to death. But, in the middle of the pandemic last year, I was diagnosed with liver cancer. Though I have health insurance, I still have stacks of medical bills that I have to pay out of pocket as I AGAIN fight for my life. I am also helping my father who is suffering from dementia and requires 24-hour care.

SB14 would provide supplemental compensation to the five exonerees who were compensated prior to 2005. This is a drop in the bucket in the state budget, and it would mean real justice for the small group of us who lost years of our lives in prison for crimes we did not commit.

Before being wrongfully convicted, my dream was to own a boat and become a commercial fisherman. I had just gotten married three months before the arrest and my whole life was in front of me. This promising future was unjustly ripped away from me. I missed out on the opportunities to build a career, invest money and save for retirement.

I've done my best to turn lemons into lemonade. I committed myself to a new dream of helping to prevent anyone else from going through what I did. Today, I stand before you and urge you to support SB14 so that I and others can receive much needed supplemental compensation.

Respectfully,

A handwritten signature in black ink, appearing to read "Kirk Bloodworth". The signature is fluid and cursive, with the first name "Kirk" being more prominent.

Kirk Bloodworth
Executive Director

Legislative Testimony 14.pdf

Uploaded by: Elliott, Richard DeShay

Position: FAV

Legislative Testimony:
SB14

I strongly support Senator Kelley's Senate Bill 14 to establish a fund for the wrongly convicted and incarcerated in our state.



By Authority: Rich Elliott For Maryland Keanuu Smith-Brown, Campaign Chair Christian Hillian, Treasurer

Local 25 Favorable SB14 Exoneree Compensation.pdf

Uploaded by: Epps, Samuel

Position: FAV



UNITE HERE Local 25

Testimony of Samuel Epps

Political Director, UNITE HERE Local 25
IN FAVOR of Senate Bill 14—Fixing Exoneree Compensation
Senate Judicial Proceedings Committee
February 4, 2021

UNITE HERE Local 25, (Local 25 for short), is a hospitality workers union, which represents over 7,200 workers in the District of Columbia, Maryland, and Virginia. We represent workers across a huge cross section of departments from the front and back of the hotel. We are here to urge a favorable report of Senate Bill 14.

Criminal justice reform is becoming a core component of Local 25's advocacy. Our broken, racist criminal justice system disproportionately targets the working-class people of color who make up our union. Many of our members are returning citizens. We are a union that believes in fairness, justice and equality. That's why, as a labor union, we must be at the forefront of criminal justice reform, to help those who have been wrongly convicted re-enter the workplace with dignity.

Senate Bill 14 would fix Maryland's broken exoneree compensation law. In our state, 80 percent of wrongfully convicted people are Black. After losing years, and often decades of their lives, many of these innocent people have been ineligible for compensation. They are forced to restart their lives without any financial justice from the state that unjustly took their freedom.

When the legal system wrongfully convicts an innocent person, it must take responsibility for repairing the damage. Fair compensation for the innocent is key to furthering racial justice and healing the wounds inflicted on communities of color.

UNITE HERE Local 25 supports Senate Bill 14 because it is the right thing to do for the wrongfully convicted. Please join us in supporting this bill.

When the state unjustly takes an innocent person's freedom, it has the responsibility to repair the damage.

For these reasons, UNITE HERE Local 25 urges a favorable report of SB 14.

Alfred Chestnut Ransom Watkins SB14 Favorable.pdf

Uploaded by: Erb, Nate

Position: FAV

Senate Bill 14 Favorable
Ransom Watkins & Alfred Chestnut
Senate Judicial Proceedings Committee
February 4, 2021

Our names are Ransom Watkins and Alfred Chestnut, and along with our friend Andrew Stewart, we were wrongly convicted of murder at age 16. After spending 36 years in prison, we were finally exonerated on November 29, 2019 by the Baltimore City State's Attorney Marilyn Mosby.

We are grateful that the state of Maryland awarded us compensation last year. But other exonerees who have been excluded, and those who come after us, deserve fair compensation. Passing Senate Bill 14 is the right thing to do for the wrongfully convicted.

There is no amount of money can give us back the years that were taken away. It is a challenge to reenter a world that has changed so much from the one we left behind as teenagers.

However, being compensated has helped us adjust to our new lives. We can pay our bills without constantly worrying about financial survival. We've both gotten our own homes and can help our families. The things we have dreamed about for so long—starting a business, working as a field tech—are possible because of compensation.

We were fortunate to have people who helped us, and now we have to pay it forward. When the state wrongfully convicts someone, it should take responsibility to make things right.

Please support Senate Bill 14 to fix the compensation law for other innocent Marylanders.

SB14 Fav Demetrius Smith (1).pdf

Uploaded by: Erb, Nate

Position: FAV

Senate Bill 14 Favorable
Fixing Maryland's Exoneree Compensation Law
Demetrius Smith, *Baltimore Exoneree*
Senate Judicial Proceedings Committee
February 4, 2021

My name is Demetrius Smith. When I was 24 years old I was wrongfully convicted of murdering a man named Robert Long in Baltimore. I was convicted because a jailhouse witness testified that he saw me commit the crime. He lied to avoid prison time in his own case.

The truth finally came out during a federal investigation of a man named Juan Morales. The investigation showed that Morales ordered a hitman to kill Robert Long because Long was going to testify against him. While I was sitting in prison, Morales committed more crimes. Eventually Morales and the hitman were convicted of killing Long and I regained my freedom.

The wrongful conviction hurt my family in so many ways. My daughter grew up without me. She was a baby when I left, and a grownup when I returned. I had to get to know my child and rebuild our relationship.

I served time in prison for another man's crime, but I am not eligible for compensation under Maryland's law. That's because I wasn't exonerated through the writ of actual innocence law.

There are different ways that people can overturn their wrongful convictions in Maryland. Why does it matter which law was used to exonerate me? Why isn't the undeniable proof that I was incarcerated when I was innocent enough to get the compensation I deserve?

It's been hard to restart my life without compensation, and COVID-19 has only made things worse. After my release I started a landscaping business, and its suffered during the lockdowns. I also work in a hospital and was infected with COVID-19.

Senate Bill 14 would give me a fair chance to apply for compensation from the state that took my freedom. I hope you will pass it because it is the right thing to do.

Jermaine Arrington SB14 Favorable .pdf

Uploaded by: ERB, NATHANIEL

Position: FAV

Senate Bill 14 Favorable
Fixing Maryland's Exoneree Compensation Law
Jermaine Arrington, *Montgomery County Exoneree*
Senate Judicial Proceedings Committee
February 4, 2021

My name is Jermaine Arrington and I spent 15 years in prison for a murder in Montgomery County that I didn't commit. Despite DNA proving my innocence, I am still not eligible for state compensation.

When I went to prison I was 19 years old and I wouldn't be free again until I was 34 years old. There are some things I'll never get back. I missed out on so much time with my family. I never got to say goodbye to loved ones who passed away while I was incarcerated. My dreams of joining the military were gone. I missed out on a critical time in life when most people are learning to become adults.

Even after a decade of freedom, I'm still struggling from the effects of my wrongful conviction. My wife helped me get back on my feet when I first got out, but it is still hard for my family to make ends meet. I've tried to make the best out of my circumstances. I became a certified youth practitioner. For the past three years I've been the manager of a program in Montgomery County that helps at-risk youth get diplomas and job skills.

If I hadn't been wrongfully incarcerated I would have been further along in my career. I've taken college courses but I don't have the money to finish my bachelor's degree. With a college diploma I would be able to do what I love on a bigger scale and help more young people. My wife and children would be more financially stable.

This legislation would give me a chance to be compensated for the years that were taken away from me. It would give me a shot at finally getting justice. I hope you will vote to improve Maryland's compensation law.

SB14 Fav Eric Simmons (1).pdf

Uploaded by: Feldman, Michelle

Position: FAV

Senate Bill 14 Favorable
Fixing Maryland's Exoneree Compensation Law
Eric Simmons, *Baltimore Exoneree*
Senate Judicial Proceedings Committee
February 4, 2021

My name is Eric Simmons and my brother JR McPherson and I spent almost 25 years in prison for a murder we didn't commit. Thanks to the Baltimore City State's Attorney we were exonerated on May 3, 2019.

I went to prison when I was 24 years old, and now I'm 49. Time is something you can never get back. Since I was a little kid I've loved building things and hoped to become a carpenter. The chance to develop a career was taken from me. In prison I always wanted to take college courses, but with a life sentence I was always last on the list.

My wrongful conviction had a ripple effect on my family. My brother and I both had sons who we were forced to raise while we were behind bars. Now my son is in the system, and I feel like if I had been in his life on a day to day basis, things would have been different. My wife was forced to take care of our family without me. My mother passed away and I never got to say goodbye.

My brother and I were compensated in June of 2020. However, the process was flawed and I want to make sure that the law is fixed for other innocent people. The Board of Public Works sat on our application for months before we got a response, while other exonerees were approved within weeks.

We were lucky to have been exonerated through the writ of actual innocence law, which State's Attorney Mosby approved. That is the only way we could be eligible for compensation. It is not fair the innocent Marylanders who were exonerated through different laws cannot be compensated. It shouldn't matter HOW a person is exonerated, it should matter that he can prove he didn't commit the crime.

Money cannot make exonerees whole again, but it can help with the struggle of surviving in the real world. I am glad that I was able to receive state compensation, and I feel that I have an obligation to make sure the law is fixed for other wrongfully convicted people who went through what I did. I ask you to vote for Senate Bill 14 to do the right thing for the wrongly convicted.

Senate Bill 14 Testimony Innocence Project MAIP.pd

Uploaded by: Feldman, Michelle

Position: FAV

Contact: Michelle Feldman, State Campaigns Director, (516) 557-6650 mfeldman@innocenceproject.org
Nathaniel Erb, State Policy Advocate, (301) 788-7338 nerb@innocenceproject.org

Support Senate Bill 14 -Fixing Maryland's Exoneree Compensation Law

Innocence Project, Mid-Atlantic Innocence Project & University of Baltimore Innocence Clinic

Senate Judicial Proceedings Committee

February 4, 2021

The Mid-Atlantic Innocence Project, University of Baltimore Innocence Clinic, and national Innocence Project thank Chairman Will Smith, Senator Delores Kelley and Senator Jeff Waldstreicher for their work on Senate Bill 14. **We encourage the Senate Judicial Proceedings Committee to vote in support of SB14.**

Nationally, 35 states and the federal government have laws to compensate the wrongfully convicted. Maryland's law is out of step with the rest of the nation. While the Board of Public Works (BPW) has compensated 10 exonerees since 2019 there are still major flaws that make the process unfair and inefficient. As a result, the only avenue to economic justice for many exonerees is filing **federal civil rights lawsuits, which have cost Maryland taxpayers over \$24 million.**¹

SB 14 establishes a fair, straightforward process for the state to compensate the innocent, while protecting taxpayers. Thanks to the collaboration of Chairman Smith, Senator Kelley, and Baltimore County State's Attorney Scott Shellenberger, the current proposal addresses concerns raised about the legislation that was introduced last year.

Problems with the Current Law:

1. **The Board of Public Works (BPW), rather than the court system, handles the process.** The BPW's primary role is funding capital projects, not awarding damages for suffering. Compensation claims in most other states are handled through the court system.
2. **No set amount of compensation or deadlines for payment.** Under the current law, the BPW has complete discretion over the amount and schedule of payments, and can simply decide not to pay at all.
3. **Eligibility is automatic and limited** to those exonerated through a prosecutor-approved writ of actual innocence (WOAI). WOIA is just one of several laws that can be used to overturn a wrongful conviction in Maryland. The current law excludes exonerees who have airtight evidence of their innocence but obtained relief through other avenues. For example:
 - Demetrius Smith was wrongfully convicted of a 2008 murder, and a federal investigation uncovered the actual perpetrators, who have since been convicted. However, Smith is ineligible for state compensation because he was exonerated under the motion for new trial law.
 - John Mooney was wrongfully convicted of his friend's murder in Baltimore in 2007. Years later, a man named Kyle Stevens confessed and pled guilty to the crime. A judge granted John Mooney's WOIA in 2014, but the state's attorney refused to certify it, making Mooney ineligible for compensation.
4. **Taxpayers cover both civil lawsuits and compensation payments** stemming from wrongful convictions.

¹ Jeffrey S. Gutman, An Empirical Reexamination of State Statutory Compensation for the Wrongly Convicted, 82 Mo. L. Rev. (2017)

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Nathaniel Erb, State Policy Advocate, (301) 788-7338 nerb@innocenceproject.org

Senate Bill 14 fixes the law by:

1. **Assigning Administrative Law Judges (ALJs) to oversee the process.** Under SB14, ALJs determine if claimants meet eligibility requirements and order payments and benefits. ALJs are well positioned to handle compensation claims because their role includes weighing evidence, rendering legal and factual findings and ruling on monetary damages.

National Picture: 21 states have courts determine eligibility for exoneree compensation—*CO, FL, HI, IA, IL, LA, KS, MA, ME, MI, MO, MS, NJ, NV, NY, OH, OK, UT, VT, WA, WV,*

2. **Setting an amount and timeline for compensation payments.** Modeled on recent BPW exoneree compensation awards, SB 14 establishes the following:
 - Amount= (State’s Median Household Income) X (Years of Wrongful Incarceration)
 - BPW makes initial payment equal to State Median Household Income within 60 days; remainder paid in installments over 6 years.
 - Supplemental compensation for wrongfully convicted who were exonerated before 2005.

National Picture: The national average amount of compensation is \$69,000 per year of wrongful incarceration.²

3. **Making eligibility based on proof of innocence.** Eliminates automatic eligibility. All applicants must prove to an Administrative Law Judge (ALJ) by clear and convincing evidence that four criteria are met:
 - i. The person was convicted & subsequently imprisoned for a felony.
 - ii. The person did not commit the felony, or act as an accessory or accomplice.
 - iii. The conviction was vacated/overturned, and the charges were either dismissed, or the person was acquitted on retrial.
 - iv. The person’s own conduct did not cause the conviction.

National Picture: 12 states use these eligibility requirements--*AL, CO, CT, FL, KS, MA, MN, MS, NV, NJ, OH, OK.*

4. **Offsetting civil payments with state compensation awards.** Exonerees who first receive state compensation and then obtain civil lawsuit payments would be required to reimburse the state for the difference. Conversely, if the exoneree first obtains a civil settlement/award, that amount would be subtracted from the amount of state compensation the exoneree is entitled to.

National Picture: 5 states have civil offset provisions—*CO, KS, NJ, NV, OH.*

² Id.



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OPD Written Statement for SB0014 final.pdf

Uploaded by: Hilliard, Elizabeth

Position: FAV



POSITION ON PROPOSED LEGISLATION

BILL: SB 0014 -
Compensation to Individual Erroneously Convicted, Sentenced, and Confined
(The Walter Lomax Act)

POSITION: Favorable

DATE: February 2, 2021

The Maryland Office of the Public Defender writes to support SB 0014, Compensation to Individual Erroneously Convicted, Sentenced, and Confined.

Primarily, it is important to think of what this bill does not, and cannot, do. It cannot recover an innocent person's lost years. It cannot take back the trauma that incarceration causes. It cannot rewind the clock and allow a wrongfully convicted person to recover precious moments. The loss caused by incarceration rips through a person in a way most of us cannot imagine. And this bill, while an important resource to aid in the transition back to rightful freedom, cannot undo these losses.

The loss caused by time in prison is pervasive and intangible. My office, the Post Conviction Defenders Division, represented a middle-aged client who treasured the program from his mother's funeral. He brought it to an attorney-client meeting. He mourned her. He regrets missing her funeral. He wonders whether she might still be alive if he had been out and could have helped her manage her diabetes. He will never know. The worry will always nag at the corners of his mind. With slightly less misery, he displayed his niece's high school graduation photo. He and his niece write letters around birthdays and holidays, but she lives in a different state and they had not seen each other in years. He is motivated by a fear of forgetting and of being forgotten.

On top of the fear and loss he battles with every day, he faces great uncertainty. He does not know where he would stay if he is released. He had hoped that his mother's rowhouse, which he had maintained for years, would stay in the family. That opportunity has been foreclosed by his years in prison. Now he does not know what would come next. The dream of freedom is clouded with the insecurity that accompanies release. He had hoped to retire with Social Security, if not a 401K. But he now he works in prison sanitation, making under a dollar per hour. While other people spent their twenties and thirties developing a career, he has been confined – literally, and figuratively – to whatever jobs he can get behind bars. He does not know how he would find a well-paying job, because who will hire him with a paucity of work experience? The time he has spent in prison cannot change. The birthdays missed, the family members lost, the experiences gone.

For further information please contact Elizabeth Hilliard, Assistant Public Defender, at elizabeth.hilliard@maryland.gov or Krystal Williams, Director, Government Relations Division, at krystal.williams@maryland.gov or by phone at 443-908-0241.

But, he can be provided a sliver of hope. The grant of financial compensation without civil suits and burdens of proof offers a small source of stability and certainty. Housing resources, education and training, and assistance with obtaining necessary documentation further offers a small bridge to help a person transition from a life behind bars to a life of freedom. This bill could provide that.

Thus, while acknowledging that there is nothing that can ever restore the lost years and time a person suffers from a wrongful conviction, we must consider what the years in prison do to a person. There is absolutely no doubt that: Prison destabilizes a person's life. The forced removal from the job market and ability to financially support their families or save for retirement is an additional punishment, that is exponentially worse the longer someone serves. They miss out on those prime working years—the lose training and promotion opportunities, and earned work credits. If someone is retirement age when they are released, but do not have enough work credits to qualify for retirement, they will have no form of income when they are released, and will have to continue to rely on family members, if they are able. If an exonerated person is able to work, they start at the very bottom of the career ladder and may have limited opportunities to raise their earning potential before they need to retire or exit the workforce. An exonerated person may be alleviated of a conviction, have the black mark expunged from their record. But, the skills eroded by time while incarcerated, the opportunities lost, and the relationships deteriorated cannot be expunged. Nor can the trauma that incarceration causes. And, while compensation cannot ameliorate that damage completely, it can aid in a path forward. There is ample evidence to suggest that compensation above \$500,000 can reduce recidivism for people who were never guilty to begin with. See Evan J. Mandery et al., Compensation Statutes and Post-Exoneration Offending, 103 J. CRIM. L. & CRIMINOLOGY 553, 556, 583 (2013).

Mandatory compensation not only provides exonerees with a nest egg from which they can build their new life. It tells them that they are worthy, they are valuable. It tells them that we want them home, safe, and productive. The phrase: put your money where your mouth is exists for a reason. We cannot offer apologetic platitudes without substantiated reparation.

We must consider our responsibility to wrongfully convicted individuals. It is not enough to permit them to pursue financial compensation. The onus cannot remain on these people who have had their lives taken from them. It is our duty to provide them with resources, **and hope**. It is necessary to aid them, show them that they will be able to readjust after being wrongfully forced to live in a controlled institution life. Thus, the financial, educational, occupational and housing support offered in this bill is critical.

Truly, there is nothing we can do to sufficiently restore persons who have lost years to wrongful convictions. But, SB 0014 does take necessary steps to ease the transition back into freedom for these wrongfully convicted, and unjustly treated, persons. In short, while we cannot become a perfect government that never convicts the wrong person, it is our duty to aid those who suffer our imperfections in their transition back into their rightful freedom.

For these reasons, the Maryland Office of the Public Defender supports SB 0014

Kelley Testimony SB 14 .pdf

Uploaded by: Kelley, Delores

Position: FAV

SENATOR DELORES G. KELLEY
Legislative District 10
Baltimore County

Chair
Finance Committee

Executive Nominations Committee
Rules Committee
Legislative Policy Committee



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TESTIMONY OF SENATOR DELORES G. KELLEY
IN SUPPORT OF SENATE BILL 14-COMPENSATION TO
INDIVIDUAL ERRONEOUSLY CONVICTED, SENTENCED,
AND CONFINED (The Walter Lomax Act)
BEFORE THE JUDICIAL PROCEEDINGS COMMITTEE
ON FEBRUARY 04, 2021

Mr. Chairman and Members:

Senate Bill 14 is here as a follow up on issues remaining after this Committee's strong support in 2017 of Senate Bill 348, which was enacted into law as Chapter 799, and which eliminated the unfair and debilitating requirement in the State Finance Article that an individual wrongfully convicted, sentenced, confined, and subsequently exonerated was then mandated to obtain a pardon from the Governor before the

Senate Bill 14

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exonoree would be eligible to apply to the Board of Public Works for compensation for his/her damages. Current Maryland law does not require a Governor to pardon an already exonerated person, and current law includes no specific compensation requirements, nor standards for the same. Current law prohibits an exonerated person from contracting with legal counsel for help in getting compensation and prohibits anyone from inheriting any part of any state compensation which the Board of Public Works might grant to an exonerated person. Senate Bill 14 is here to remedy these problems. Senate Bill 14 removes total discretion of politicians, including governors to make non-standardized awards, unfettered by legal timelines, or budgetary line items. A wrongfully convicted and incarcerated person, who has been exonerated has many urgent needs, all of which cost money, including a REAL ID card, housing, health care, life skills, education, and employment training.

Senate Bill 14

Thirty-five states, the federal government, and the District of Columbia have laws which recognize the moral imperative to expeditiously and systematically provide compensation that is standardized and reasonable for wrongfully convicted, and incarcerated persons who are later exonerated. Maryland should do no less for these fellow human beings who have wrongfully suffered the loss of their freedom, their family relations, standard health care, secondary and higher education opportunities and credentials, social security benefits, any other substantial pension benefits, their personal autonomy, and even their right to vote. The time is now for Maryland to do what is systematic, humane, and just.

It is well past time for Maryland to join the majority of states which specify, in law, a given amount of compensation at a rate which at the low end is at least \$50,000 per year of wrongful conviction. In some jurisdictions, compensation is as much as \$200,000, with the average

compensation per year set at \$68,000 for each year of wrongful conviction in Senate Bill 14.

Other parts of the compensation package recommended in Senate Bill 14 include something as basic as a State ID Card, housing available for at least five years post-release, education, job training, financial literacy as long as elected by the exonoree, tuition and fees for matriculation for up to 5 years at either a regional higher education center, at the Baltimore City Community College, or at a Maryland public senior higher education institution.

The Maryland compensation package should also include 5 years of post-confinement health care, and reimbursement for court fines, fees, and any restitution paid by the individual for the crime for which the individual was erroneously convicted, sentenced, and confined.

In cases where the exonerated person previously received any monetary award from a civil suit or from a settlement agreement with the State of Maryland or with one of its political subdivisions, any such prior award or settlement shall be deducted from the amount otherwise due to the exonerated person, as delineated in Senate Bill 14, less any amount paid by the exonoree for attorney's fees and for the costs of litigating the prior award or settlement.

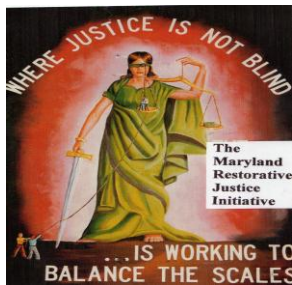
Likewise, if after receiving compensation, under the terms of this legislation, if the exonoree were to receive any later monetary award from a civil suit or subdivision of the State for the same erroneous conviction, sentence, or confinement, the exonoree shall reimburse the State in the amount of the subsequent award, less any amount paid by the exonoree for relevant attorney's fees and/or other litigation costs.

Further, an exonoree may not receive compensation under terms of this Bill for any period of confinement served concurrently with a sentence for some other crime for which there is no exoneration. Michelle Feldman of the Innocence Project will focus her testimony on the mechanics and the legal operations involved in implementation of Maryland's process for certifying and compensating exonorees as per the terms of Senate Bill 14, and we really need your wholehearted support of Senate Bill 14.

Testimony for SB-14 2-4-2021.pdf

Uploaded by: Lomax, Walter

Position: FAV



Maryland Restorative Justice Initiative
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Brandywine, Maryland 20613-2304



Senate Bill 0014 **Favorable**

Executive Director,
Walter Mandela Lomax

Secretary
Laurie Bezold,
Fusion Partnership Inc.

Technical Advisor
Retired Delegate
Clarence T. Davis.
Tiger Associates LLC

Sponsors
Baltimore OSI
Baltimore Safe & Sound
Fusion Partnerships, Inc.
Maryland CURE
Morgan State University
Dept. of Social Work

Supporters:

ACLU Maryland

Community Conferencing

Correctional Round-Table

Grassroots Criminal Justice
Advocates Network

MSBA Correctional Reform
Section

The Justice Policy Institute

The Sentencing Project

Compensation to Individual Erroneously Convicted, Sentenced, and Confined **(The Walter Lomax Act)**

Chairman Smith and members of the Senate Judicial Proceedings Committee

First, I am honored, and humbled that this bill has been named ‘The Walter Lomax Act.’

I am very fortunate to be here. Last year when I was scheduled to testify before this committee on this important piece of legislation, many of you know that I suffered a serious heart attack and stroke just before the hearing. Were it not for Frederick County Sheriff Chuck Jenkins and Maryland State Police Trooper First Class Luke Rafer who performed CPR on me until an emergency medical services team arrived, I would not be alive today, the two men “literally saved my life.

President Ferguson said when he visited me in the hospital that I insisted to him, “You just really got to pass this bill.” Of course I was functioning automatically, because it was something I had almost given my life for, but the reality is this bill must pass. It’s the correct thing to do in addressing a horrible tragedy, **erroneously Convicted, Sentenced, and Confined for something you did not do.**

The Maryland Restorative Justice Initiative supports **Senate Bill 14**, as do I.

As the director of MRJI, and a member of the Task Force that studied this issue the need to pass this legislation is still urgent. The Task Force did an excellent evaluation of the compensation procedure, and provided excellent guidance to compensate Erroneously Convicted individuals, but the legislation did not pass.

The Board of Public Works did develop a method to compensate five individuals last year, I was one of those individuals. However, I was released in 2006, completely exonerated in 2014, yet only began being compensated in 2019. It should not have taken that long to correct a miscarriage of justice, this is why passage of SB-14 is so important.

Each individual experience trauma differently, so it is difficult to fathom what they are dealing with, that is unless you have had a similar experience. You will never be able to make them whole again, because they will never be the same, the best you can hope is that they learn to live with what has happened to them.

What this body can do is pass this legislation so that those individuals who has been **erroneously Convicted, can be compensated in a timely manner.**

I therefore encourage you to vote Favorable for Senate Bill 14

Sincerely,

Walter Lomax, Executive Director
Maryland Restorative Justice Initiative
Waltermandalalomax@hotmail.com
mrji.org; mandalaenterprise.org; 443-413-6076

SB 14 2021 exoneree compensation LOS BCSAO.pdf

Uploaded by: Mosby, Marilyn

Position: FAV



SB14 - Support

February 2, 2021

Senator Will Smith
Chair, Judicial Proceedings
Miller Senate Building
11 Bladen Street
Annapolis, MD 21401

Re: Compensation to Individual Erroneously Convicted, Sentenced, and Confined (The Walter Lomax Act)

Dear Chairman Smith and Committee Members:

As the State's Attorney for Baltimore City, I support Senate Bill 14 which would alter Maryland's compensation law to be effective in compensating the wrongfully convicted and providing them with the funding to re-enter society as innocent citizens not punished for a lifetime for crimes they did not commit.

Maryland currently has no mechanism to guarantee compensation to those who were wrongfully convicted. Leaving it in the hands of the Board of Public Works often politicizes decisions that need not be so complicated. Any payments made to wrongfully convicted individuals today are discretionary.

Over the past six years, the need for this reform has become apparent through the work of our Conviction Integrity Unit with the Baltimore State's Attorney's Office. Since the start of my administration, we have released ten individuals who were wrongfully accused, convicted, and incarcerated for a cumulative of almost 275 years in jail. Though there is no way to repair the damage done to these individuals, this bill begins to set the path right and offer a future with financial compensation for being wrongfully convicted.

Nationally, thirty-five states, the federal government, and Washington DC have codified exoneree compensation laws that provide a straightforward path for wrongfully convicted people to receive financial justice. Maryland's law is out of step with the rest of the nation. Structural flaws exist when our exonerees are waiting, in some cases years, for financial justice.

This bill does not right all of the wrongs that wrongfully convicted individuals have already had to face, but it does provide exonerees with timely and guaranteed compensation for years of their lives lost that they will never get back.

For these reasons, I urge a favorable vote on Senate Bill 14.

Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby".

Marilyn J. Mosby
State's Attorney for Baltimore City

SB 14 - Compensation for Erroneously Convicted, Se

Uploaded by: Shellenberger, Scott

Position: FAV

Bill Number: SB 14
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 14
COMPENSATION TO INDIVIDUAL ERRONEOUSLY CONVICTED,
SENTENCED, AND CONFINED (THE WALTER LOMAX ACT)

I write in support of Senate Bill 14 which would compensate those who are wrongfully convicted of a crime. This issue was fully reviewed by the task force to study erroneous convictions. The task force was established in 2017. I served on that task force that this body established when we could not reach a conclusion. I was chairman of the task force for a brief period of time. We need to resolve this issue and Senate Bill 14 is the way to do that. This has gone on too long.

Maryland currently has no mechanism to compensate those who were wrongly convicted. It is left to the Board of Public Works which does not have the mechanisms for this sometimes complicated task. Governor Hogan has previously requested that the Legislature act.

Senate Bill 14 does many things:

1. Establishes a standard amount to be awarded to an inmate based upon the State's most recent annual median household income.
2. Directs State agencies to assist in the transition from incarceration to a life of freedom. Including items as simple as identification cards.
3. Establishes a mechanism so that an inmate is not compensated twice for the same wrong by subtracting any amount previously awarded.
4. Establishes a system by which Administrative Law Judges can make findings to determine if compensation is appropriate. Innocence must be proven by clear and convincing evidence.
5. Allows for reasonable attorney fees.
6. Establishes a formula in which compensation is paid over time.

This issue has been unresolved for too long. Senate Bill 14 addresses many of the issues raised over the last several years about earlier versions of the bill.

Senate Bill 14 gets it right. I urge a favorable vote.