



## Testimony Concerning HB 742

### “Compensation to Individual Erroneously Convicted, Sentenced, and Confined (The Walter Lomax Act)”

Submitted to the House Judiciary Committee

February 10, 2021

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#### Position: SUPPORT

Dear Delegates Clippinger and Atterbeary,

I, Dr. Jeff Kukucka, Associate Professor of Psychology at Towson University, strongly support HB 742. I specialize in the scientific study of wrongful convictions. In my career, I have published 23 peer-reviewed papers and given over 60 invited presentations on this topic, and I have testified as an expert witness at several criminal trials. This testimony represents my own views based on the extant scientific literature and does not necessarily represent the views of Towson University.

Research has amply demonstrated that **wrongly convicted individuals face myriad challenges after their release from prison**—including but not limited to poverty, unemployment, homelessness, and mental and physical illness. In one study, for example, exonerees exhibited clinical depression (44%) and post-traumatic stress disorder (27%) at much higher rates than the general population (7% and 4%, respectively).<sup>1</sup>

My own research has likewise found that wrongly convicted individuals face stigma and discrimination that disrupts their re-entry. In one study,<sup>2</sup> we tested for **hiring discrimination** by asking hiring professionals to evaluate otherwise-identical job applications from an exoneree or a person with no criminal history. Sure enough, we found that the exoneree—despite being factually innocent and equally qualified—was perceived as less intelligent and was offered a lower starting wage.

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

<sup>2</sup> Jeff Kukucka et al., *Do Exonerees Face Employment Discrimination Similar to Actual Offenders?*, 25 LEGAL AND CRIM. PSYCH. 17 (2020).

In a second study,<sup>3</sup> we tested for **housing discrimination** by e-mailing over 1,200 landlords to inquire about an apartment listing while posing as either an exoneree or a person with no criminal history. We found that exonerees' e-mails were 36% more likely to be ignored—and when they did receive a reply, they were less often told that the apartment was available or invited to view it, and more often subjected to a background check.

Lastly, in another study,<sup>4</sup> we found that when exonerees seek financial compensation via civil litigation, the resultant **damage awards tend to be highly variable and capricious**, such that two exonerees who were incarcerated for the same length of time under similar circumstances were often awarded wildly different amounts of money—or none at all.

In sum, my research has identified various factors that prolong exonerees' suffering—such as unemployment, housing discrimination, an inability to prove their innocence, poor mental health, and financial instability. **HB 742 ameliorates these problems** by providing job training, housing assistance, official documentation, health care, and financial compensation commensurate with the length of their wrongful incarceration. As such, I ask for your favorable consideration of HB 742.

Sincerely,



Jeff Kukucka, Ph.D.  
Associate Professor of Psychology  
Towson University

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<sup>3</sup> Jeff Kukucka et al., *What's in a Name? The Impact of Labels on Stigma and Discrimination against Exonerees* (2021) (unpublished manuscript, on file with author).

<sup>4</sup> Jeff Kukucka & Andrew J. Evelo, [Stigma against False Confessors Impacts Post-Exoneration Financial Compensation](#), 37 BEHAV. SCI. & LAW 372 (2019).

