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Chair, Luke Clippinger
Vice-Chair, Vanessa Atterberry
House, Judiciary Committee

Re: Favorable with Amendments: HB742 – Compensation to Individual Erroneously Convicted, Sentenced and Confined

Chair Clippinger, Vice Chair Atterberry and Members of the Judiciary Committee:

In order to restore faith in the criminal justice system and create a more equitable system, we must have accountability. For those, wrongfully convicted, we can never give them back their time with their family or loved ones, but we can have accountability through compensation. HB742 helps towards that goal. This bill reforms and more clearly defines the mechanism for compensating individuals who were erroneously convicted and imprisoned. In addition, to individuals who have received a full pardon from the Governor, stating that the individual had been shown conclusively to be in error, this bill also covers individuals who were convicted and imprisoned whose convictions were reversed or vacated by a higher court and whose charges were dismissed or they were found not guilty on retrial, provided that an Administrative Law Judge determines by clear and convincing evidence that the individual did not commit the crime or was not an accessory or accomplice to the crime and that they had not committed perjury or fabricate evidence. The ALJ can then order compensation equal to the median household income for each day of imprisonment, as well as housing, health care, education, training, and higher education tuition for up to five years.

HB472 is designed to provide a measure of compensation for individuals who were wrongly convicted and imprisoned. As with the case of Walter Lomax, for whom the bill is named, some of these individuals were incarcerated for many years before winning their release. While financial compensation can never make up for the time lost, it can assist in the transition back to the community. The Office of the State's Attorney for Prince George's County support HB472 but would urge some clarifying amendments.

First, we would ask that provisions that make the State's Attorney a party to the bill be removed. Matters of this nature are more properly handled by the Attorney General.

Second, we would suggest that the bill make clear what appears to be implied in lines 7 and 8 and 13-17 on page 3 of the bill that in deciding whether to award compensation, the ALJ

must affirmatively determine that the individual did not commit the crime nor was an accessory or accomplice to the crime.

This proposed amendment is necessary because the current bill includes cases that are reversed or vacated by higher courts. It is not uncommon for this to occur for a variety of what are technical reasons that have little or nothing to do with the guilt or innocence of the individuals. I strongly believe that individuals wrongfully convicted should be compensated, I therefore urge a favorable report with amendments

Thank you for your consideration.



Aisha N. Braveboy