

HOUSE RESEARCH

Bill Summary

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Overview

This bill establishes a compensation process for persons who have been determined to be innocent of a crime for which they served a prison sentence.

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- 1 Order regarding eligibility for compensation based on exoneration.** Amends the postconviction relief statute to add a new provision under which an individual may obtain a determination by the court that the individual is eligible for compensation based on exoneration, pursuant to the elements of the claim contained in **section 3, subdivision 1**. It would apply in cases where (1) the state dismisses charges; (2) the court vacated or reversed a judgment of conviction based on innocence; or (3) the court ordered a new trial and the defendant was found not guilty. If the court determines that the person is eligible for compensation, it must issue an order to that effect containing its finding and notify the petitioner or defendant of the right to file a claim.
- 2 Certain criminal proceedings resolved in favor of defendant.** Amends the expungement statute to include cases where the petitioner was granted an order for relief based on innocence under the postconviction relief chapter of law as an action or proceeding resolved in favor of the petitioner that would be eligible for expungement.
- 3 Claim for compensation for a person who is exonerated.** Establishes the requirements for a claim for compensation for a person who is exonerated.

Subd. 1. Elements. Contains the elements of a claim that must be established. It would apply if:

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- (1) the person has been convicted of a crime and has served part of an imposed sentence in prison;
- (2) in cases involving multiple charges arising out of the same incident, the person was exonerated for all of those charges;
- (3) the person did not commit or induce another person to commit perjury or fabricate evidence; and
- (4) the person was not serving a term of imprisonment for another crime at the same time, provided that if the person served additional time due to the conviction that is the basis of the claim, the person may make a claim for that portion of time served.

Subd. 2. Respondent; filing requirement. Contains procedural and filing requirements. The state must be named as the respondent and a claimant must serve the claim and all documents on the state through the Office of Management and Budget and file the claim with the Supreme Court. The claim must include a copy of the district court order obtained under **section 1**.

Subd. 3. Agent for claimant. Authorizes certain agents to file claims on behalf of claimants.

Subd. 4. Statute of limitations. Contains the statute of limitations.

4 Compensation panel. Provides for appointment of a compensation panel to determine damages.

Subd. 1. Appointment. Requires the chief justice of the Supreme Court to appoint a panel of three attorneys within 30 days after a claim was filed. Members must have experience in legal issues involving settlement of tort claims, the determination of damages, or criminal justice and sentencing.

Subd. 2. Compensation of panel members. Provides for compensation of panel members.

Subd. 3. Payment of expenses. Requires the state court administrator to forward documentation of expenses and administrative costs to the commissioner of management and budget for payment of those amounts from available appropriations.

5 Prehearing settlements and hearing. Contains hearing requirements.

Subd. 1. Prehearing settlements. Provides that the panel may set a prehearing settlement conference where the parties must make a good-faith attempt to reach a settlement. If a settlement is approved by the panel, it has the same effect as an award by the panel.

Subd. 2. Hearing. Provides for an evidentiary hearing in cases where the parties are unable to reach a settlement. Hearings and records are open to the public, except

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where the panel orders a hearing closed or a record sealed in the interest of justice.

6 Damages. Provides for the damages that may be recovered as part of claim.

Subd. 1. General. Contains a general statement that the claimant is entitled to damages under this section.

Subd. 2. Monetary damages; attorney fees. Provides for monetary damages and attorney fees. The claimant would be entitled to not less than \$50,000 for each year of imprisonment and not less \$25,000 per year served on supervised release or as a registered sex offender. The claimant must be reimbursed for restitution and other fees and costs paid as required by the judgment and sentence. Factors are included that the panel must consider in awarding additional monetary damages.

Subd. 3. No limit. Provides that there is no limit on the amount of damages that may be awarded.

Subd. 4. Notice and acceptance of award. Provides that a claimant who is awarded damages must be provided with a written notice of the award and acceptance must be in writing and is final and conclusive.

Subd. 5. Subsequent damage awards. Specifies that any future damages awarded to a claimant from an action against the state or a political subdivision based on the same subject must be offset by the damage award received under this section.

Subd. 6. No offsets. Prohibits the offset of damages by expenses incurred by the state or a political subdivision and the value of any services or reduction in fees for services provided to the claimant.

7 Judicial review. Provides that an aggrieved party may appeal an award in the same manner as an appeal of a contested case decision under the Administrative Procedure Act but a complaint is not a contested case or otherwise governed by the act.

8 Immediate services. Requires the provision of immediate services when a district court releases a defendant from prison based on the establishment of innocence. The commissioner of corrections must provide services for up to two years. The need for services must be determined through a review by department staff in consultation with county social services. The claimant would not be entitled to reimbursement for services that were provided.

9 Compensating exonerated persons; appropriation process. Contains the appropriation process. The compensation panel must forward a final award of damages to the commissioner of management and budget for payment from appropriations available for that purpose. To the extent available appropriations are insufficient, the attorney general must include the amount in a budget request to the legislature.

10 Short title. Entitles the act “The Imprisonment and Exoneration Remedies Act.”