

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 613 (=Senate Bill 451)

SHORT TITLE: Compensate Erroneously Convicted

SPONSOR(S): Rep. Goodwin, Senator Ballance

FISCAL IMPACT

Yes (X) No () No Estimate Available ()

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

REVENUES None

EXPENDITURES \$110,000 (NR)

POSITIONS: None

**PRINCIPAL DEPARTMENT(S) &
PROGRAM(S) AFFECTED:** Industrial Commission

EFFECTIVE DATE: Effective when it becomes law

BILL SUMMARY: H 613. COMPENSATE ERRONEOUSLY CONVICTED (=S 451). TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES, TO PROVIDE FOR THE INDUSTRIAL COMMISSION TO HANDLE THE CLAIMS OF THOSE PERSONS, AND TO PROVIDE THAT THOSE CLAIMS MUST BE BROUGHT WITHIN FIVE YEARS Amends GS 148-82, 148-83 and 148-84 for purpose indicated in title. Compensation may not exceed \$10,000 (now, \$500) for each year or portion of year of imprisonment actually served, and total compensation may not exceed \$150,000 (now, \$5,000).¹

ASSUMPTIONS AND METHODOLOGY: GS 148-82, GS 148-83 and GS148-84 specify a claims for pecuniary loss procedure for felons who were imprisoned and then pardoned by the

¹ *Daily Bulletin*, Institute of Government, UNC-Chapel Hill

Governor, on the ground that the crime for which they were convicted was not committed at all or not committed by them (a “pardon of innocence”). Current law specifies that the individual can petition the Department of Correction for a hearing before the Parole Commission. This bill moves the petition/hearing to the Industrial Commission and raises the limits on compensation from \$500 per year of imprisonment to \$10,000 per year and from a total of \$5,000 to a total of \$150,000. It also specifies claims must be made within 5 years of the pardon .

According to the Governor’s Office of Pardon and the Post Release Supervision and Parole Commission, only one individual has received a pardon of innocence in memory. That individual was incarcerated roughly 11 years and pardoned in 1995. Their claim may be as high as \$110,000 (11*10000) depending on the findings of the Industrial Commission.

Because pardons of innocence are rare events, no impact is projected on the Industrial Commission.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION

733-4910

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