

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH60421-LL-283 (3/24)

Short Title: Compensation for Erroneously Convicted. (Public)

Sponsors: Representative Glazier.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS  
ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED  
PARDONS OF INNOCENCE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 148-84 reads as rewritten:

**"§ 148-84. Evidence; action by Industrial Commission; payment and amount of  
compensation.**

(a) At the hearing the claimant may introduce evidence in the form of affidavits  
or testimony to support the claim, and the Attorney General may introduce counter  
affidavits or testimony in refutation. If the Industrial Commission finds from the  
evidence that the claimant received a pardon of innocence for the reason that the crime  
was not committed at all, or was not committed by the claimant, and that the claimant  
was imprisoned and has been vindicated in connection with the alleged offense for  
which he or she was imprisoned, the Industrial Commission shall award to the claimant  
an amount equal to ~~twenty thousand dollars (\$20,000)~~ forty thousand dollars (\$40,000)  
for each year or the pro rata amount for the portion of each year of the imprisonment  
actually served, including any time spent awaiting ~~trial, but in~~ trial. However, (i) in no  
event shall the compensation exceed a total amount of ~~five hundred thousand dollars~~  
~~(\$500,000).~~ seven hundred fifty thousand dollars (\$750,000), and (ii) a claimant is not  
entitled to compensation for any portion of a prison sentence during which the claimant  
was also serving a concurrent sentence for conviction of a crime other than the one for  
which the pardon of innocence was granted.

The Director of the Budget shall pay the amount of the award to the claimant out of  
the Contingency and Emergency Fund, or out of any other available State funds. The  
Industrial Commission shall give written notice of its decision to all parties concerned.  
The determination of the Industrial Commission shall be subject to judicial review upon

1 appeal of the claimant or the State according to the provisions and procedures set forth  
2 in Article 31 of Chapter 143 of the General Statutes.

3 (b) Notwithstanding the amounts provided for in subsection (a) of this section,  
4 beginning July 1, 2009, the Industrial Commission shall annually adjust the amount  
5 awarded under this Article to reflect the increase, if any, in the Consumer Price Index  
6 For All Urban Consumers for the previous calendar year, as determined by the  
7 Department of Labor; however, no annual increase may exceed five percent (5%) of the  
8 existing amount. The actual amount awarded to an individual claimant shall be based  
9 upon the adjusted amount in effect on the date that the claimant files a petition with the  
10 Industrial Commission under this Article.

11 (c) In addition to the compensation provided under subsections (a) and (b) of this  
12 section, the Industrial Commission shall determine the extent to which incarceration has  
13 deprived a claimant of educational or training opportunities and, based upon those  
14 findings, may award the following compensation for loss of life opportunities:

15 (1) Job skills training for at least one year through an appropriate State  
16 program; and

17 (2) Expenses for tuition and fees at any community college or constituent  
18 institution of The University of North Carolina for any degree or  
19 program of the applicant's choice that is available from one or more of  
20 the applicable institutions. Claimants are also entitled to assistance in  
21 meeting any admission standards or criteria required at any of those  
22 institutions, including assistance in satisfying requirements for a  
23 certificate of equivalency of completion of secondary education. A  
24 claimant may apply for aid under this subdivision within 10 years of  
25 the claimant's release, and aid shall continue for up to a total of five  
26 years when initiated within the 10-year period, provided the claimant  
27 makes satisfactory progress in the courses or degree program in which  
28 the claimant is enrolled."

29 **SECTION 2.** This act is effective when it becomes law and applies to any  
30 person granted a pardon of innocence by the Governor on or after July 1, 2007.