

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H.B. 398  
Mar 30, 2015  
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH40223-LL-17 (12/02)

Short Title: Increase Erroneous Conviction Compensation. (Public)

Sponsors: Representatives Glazier, Michaux, and Harrison (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE THE COMPENSATION FOR PERSONS ERRONEOUSLY  
3 CONVICTED OF A CAPITAL FELONY AND SENTENCED TO DEATH.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 148-84(a) reads as rewritten:

6 "(a) At the hearing the claimant may introduce evidence in the form of affidavits or  
7 testimony to support the claim, and the Attorney General may introduce counter affidavits or  
8 testimony in refutation. If the Industrial Commission finds from the evidence that the claimant  
9 received a pardon of innocence for the reason that the crime was not committed at all, received  
10 a pardon of innocence for the reason that the crime was not committed by the claimant, or that  
11 the claimant was determined to be innocent of all charges by a three-judge panel under  
12 G.S. 15A-1469 and also finds that the claimant was imprisoned and has been vindicated in  
13 connection with the alleged offense for which he or she was imprisoned, the Industrial  
14 Commission shall award ~~to the~~ to:

15 (1) A claimant who was imprisoned erroneously for a capital felony and  
16 sentenced to death an amount equal to one hundred thousand dollars  
17 (\$100,000) for each year or the pro rata amount for the portion of each year  
18 of the imprisonment actually served, including any time spent awaiting trial.

19 (2) A claimant who was imprisoned erroneously for a capital felony and  
20 sentenced to life imprisonment or who was imprisoned erroneously for a  
21 noncapital felony an amount equal to fifty thousand dollars (\$50,000) for  
22 each year or the pro rata amount for the portion of each year of the  
23 imprisonment actually served, including any time spent awaiting trial.

24 However, (i) in no event shall the compensation, including the compensation provided in  
25 subsection (c) of this section, exceed a total amount of one million five hundred thousand  
26 dollars (\$1,500,000) for a claimant awarded compensation under subdivision (1) of this  
27 subsection, or a total amount of seven hundred fifty thousand dollars (~~\$750,000~~), (~~\$750,000~~)  
28 for a claimant awarded compensation under subdivision (2) of this subsection, and (ii) a  
29 claimant is not entitled to compensation for any portion of a prison sentence during which the  
30 claimant was also serving a concurrent sentence for conviction of a crime other than the one for  
31 which the pardon of innocence was granted.

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



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

3           **SECTION 2.** This act is effective when it becomes law and applies to any person  
4 granted a pardon of innocence by the Governor on or after that date.