

Chart Of State And Federal Compensation For The Exonerated *

State	Statute	Year Enacted	Qualification Requirement	Conviction Restriction	Who Makes Determination	Proof Standard	Statue of Limitation for Claim	Maximum Award	Considerations
Alabama	Code of Alabama §29-2-150 through 165	2001	Conviction vacated or reversed and charges dismissed	Felony conviction with total incarceration of more than 2 yrs.	Verification by Div. of Risk Management, judgment by the Committee on Compensation for Wrongful Incarceration, and appropriation by Legislature.	Not specified	2 years	Minimum of \$50,000 for each year of incarceration, but committee can recommend larger legislative award.	Not Specified
California	Cal Penal Code §§ 4900 to 4906	2000	Pardon based on innocence	Felony conviction with incarceration	State Board of Control makes a recommendation. to the legislature	Not specified	6 months after acquittal, pardon, or release and 4 months before new legislative meeting	\$100 per day of incarceration	Not Specified
Dist. of Col.	DC Code § 2-421 - 2-425	1981	Pardon based on innocence or conviction reversed or set aside based on innocence	Convicted with incarceration	Civil court	Clear and convincing	Available to any person released after 1979	No maximum.(No punitive damages)	Not specified
Iowa	Iowa Code Ann § 663A.1	1997	Conviction dismissed, vacated or reversed	Aggravated misdemeanor or felony conviction with incarceration	District Court determines liability. State Appeal Board or Civil Court determine damages	Clear and convincing	2 years	\$50 per day & lost wages up to \$25,000/yr & attorney's fees	Not specified
Illinois	Ill Rev Stat Ch. 705 § 505/8	1945	Pardon based on innocence	Not specified	Court of Claims	Preponderance of the evidence	≤5 yrs., 15K max, ≤14 yrs., 30K max, >14 yrs., 35K max, with CPI increase for each year since 1996	Not specified	Not specified
Massachusetts	M.G.L. Ch. 258D	2004	Pardon based on innocence or conviction vacated or reversed, charges dismissed, or "not guilty" verdict after new trial.	Felony conviction with incarceration sentences of 1 yr or greater	Civil Court	Clear and convincing	2 years	Fair and reasonable damages up to \$500,000 (No punitive or exemplary damages). Half-price tuition to state and community colleges.	Lost income
Maryland	MD State Fin. & Proc. § 10-501	1963	Pardon based on conviction in error	Convicted, sentenced and confined	Bd of Public Works	Conclusive	Not specified	Actual damages and reasonable amount for counseling	Not specified
Maine	14 Me Rev Stat Ann 8241-8244	1993	Pardon based on innocence	Incarcerated	Superior Court	Clear and convincing	2 years	\$300,000 maximum (No punitive or exemplary damages allowed)	Not specified
Montana	Mont. Code Ann. § 53-1-214	2003	Exonerated by post-conviction DNA testing	Felony conviction with incarceration	Appropriated by the legislature and authorized by the Dept. Of Corrections	DNA test result	10 years	Free tuition to any school in the state's university system.	Not specified
North Carolina	NC Gen Stat §§ 148-82 to 148-84	1947 (rev. 2001)	Pardon based on innocence	Felony conviction with incarceration	Industrial Commission, but subject to judicial review	Vindicated in connection with alleged offense	5 years	\$20,000 per year with Maximum of \$500,000	Not specified
New Hampshire	NH Stat § 541-B:14	1977	Found innocent	Convicted and incarcerated	Board of Claims	Board must find by majority vote that claim is "justified"	3 years	\$20,000 maximum total payout	Not specified
New Jersey	NJ Stat Ann §§52:4C-1 to 4C-6	1997	Not specified	Incarcerated	Superior Court	Clear and convincing	2 years	2x claimant's income in the year prior to incarceration or 20K per year of incarceration, whichever is greater	Not specified
New York	NY Ct. of Claims Act § 8-b	1984	Pardon based on innocence, or conviction reversed and charges dismissed based on innocence, or "not guilty" verdict after new trial.	Felony or misdemeanor convictions with incarceration	Court of Claims	Clear and convincing	2 years	Fair and reasonable damages with no maximum.	Not specified
Ohio	Ohio Rev Code Ann § 2305.02 & § 2743.48	2003	Conviction vacated reversed and charges dismissed based on procedural error or determination the person didn't commit the offense or it was not committed by any person.	Felony conviction with incarceration	Court of Common Pleas for liability; Court of Claims for damages	Preponderance of evidence	2 years after finding by Court of Common Pleas	\$40,330 per yr and lost wages, prison costs, and attorney's fees	Not specified
Oklahoma	51 Okl. St. § 154	2004	Pardon based on innocence, or conviction vacated and charges dismissed based on "actual innocence."	Felony with incarceration	Civil Court	Clear and convincing	No time limit	\$175,000 maximum total payout (No punitive or exemplary damages allowed)	Not specified
Tennessee	Tenn Code Ann §9-8-108 (a)(7) §40-27-109	1984 (rev. 2004)	Pardon based on innocence, or judicial "exoneration."	Incarceration	Board of Claims	Not specified	1 year	\$1,000,000 maximum total payout	Relevant factors including physical and mental suffering and earning loss
Texas	Tex Code Ann § 103	2001	Pardon based on innocence, or judicial relief on the basis of innocence.	Incarceration	Either administrative claim with comptroller or civil suit.	Preponderance of evidence	3 year	25K per year to a max of \$500,000, and one free year of counseling if mutually agreed by Dep. of Mental Health	Legal expenses; lost wages, and medical expenses (inclcd. counseling)
Wisconsin	Wis Stat § 775.05	1913 (rev. 1987)	Innocent of convicted offense	Convicted with incarceration	Claims Board	Clear and convincing	Not specified	\$5,000/yr, max \$25,000 but Board may petition legislature for additional funds	Not specified
West Virginia	W Va Code § 14-2-13(a)	1987	Pardon based on innocence, or conviction reversed and charges dismissed, or acquittal on retrial.	Arrest or conviction with incarceration	Court of Claims	Clear and convincing	2 year	Fair and reasonable damages with no maximum.	Not specified
Federal	H.R. 5107 (108th Congress)	2004 (rev.)	Unjust imprisonment	Incarceration	U.S. Court of Federal Claims	Not specified	Not specified	\$50,000 per yr in non-capital cases, and \$100,000 per yr in capital cases	Not specified

Louisiana: Bill approved by the Louisiana House Appropriations Committee on June 1, 2005 that provides a maximum of \$15,000 per year of incarceration with a maximum total payout of \$150,000. The Bill must be passed by the full House and Senate and signed by the governor. Louisiana currently provides an exonerated person with \$10 and a bus ticket home.

* Information is believed to be accurate as of June 1, 2005. Primary Source: Criminal Justice Policy Coalition, 563 Massachusetts Avenue, Boston, MA 02118, website: <http://cjpc.org>