



PA 25-57—sHB 7251

Judiciary Committee

**AN ACT CONCERNING THE RESOLUTION OF CLAIMS FOR
WRONGFUL INCARCERATION BY THE CLAIMS COMMISSIONER**

SUMMARY: This act establishes a process by which a wrongful incarceration claimant and the attorney general may agree or stipulate to facts and a compensation award that is presented to the claims commissioner. The act requires the commissioner to then determine if the facts show that the claimant is eligible for compensation.

And, under the act, if the claims commissioner finds in the affirmative, he must approve the agreement or stipulation and order immediate payment of the amount in it. The act exempts these agreed or stipulated to compensation awards that the commissioner approves from being submitted to the General Assembly for review if the required expenditure from the General Fund is \$1.5 million or less. Under prior law, the General Assembly reviewed all wrongful incarceration awards exceeding \$35,000.

By law, a claimant must prove his or her eligibility for a claim. The act eliminates a requirement that a claimant present evidence about his or her age, income, vocational training, and education level at the time of conviction and permits, rather than requires, the claimant to present the following: evidence of familial relationship loss; reputation damage; the severity of the crime for which the claimant was convicted, and whether a death sentence was involved; whether he or she had to register as a sex offender and for how long the person complied; and any other damages related to the arrest, prosecution, conviction, and incarceration. By law, wrongful incarceration awards are based on a set formula, and the commissioner may change an award by 25% based on an assessment of relevant factors, which includes this presented evidence.

Lastly, the act allows the attorney general, when representing the state's interests in a wrongful incarceration action, to ask for assistance from any employee of the chief state's attorney's office to determine facts relating to the:

1. claimant's criminal prosecution;
2. conviction that resulted in the claimant's imprisonment;
3. subsequent vacating or reversal of the conviction; and
4. complaint or information dismissal based on innocence, malfeasance, or serious misconduct grounds.

EFFECTIVE DATE: July 1, 2025