

1 SB426
2 201227-1
3 By Senator Albritton
4 RFD: Finance and Taxation General Fund
5 First Read: 22-MAY-19

1
2
3
4
5
6
7
8 SYNOPSIS: Under existing law, when a person is
9 wrongfully convicted of one or more felony offenses
10 and has served time in prison as a result of the
11 conviction, or when a person is incarcerated
12 pretrial on a state felony charge for at least two
13 years before having charges dismissed based on
14 innocence, the Committee on Compensation for
15 Wrongful Incarceration may certify the person as
16 having been wrongfully convicted and may recommend
17 an amount to the Legislature to be paid by the
18 state for such wrongful conviction.

19 Also under existing law, when an amount is
20 certified by the committee for a wrongful
21 conviction, the Legislature may appropriate
22 payments in installments to pay the certified
23 amount.

24 This bill would authorize the Legislature to
25 negotiate a one-time lump sum payout in
26 satisfaction of any amount of base and supplemental
27 compensation certified by the committee.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
5

6 Relating to wrongful incarceration; to amend
7 Sections 29-2-159 and 29-2-165, Code of Alabama 1975, to
8 authorize the Legislature to negotiate a lump sum payout in
9 satisfaction of an amount certified by the Committee on
10 Compensation for Wrongful Incarceration.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 29-2-159 and 29-2-165, Code of
13 Alabama 1975, are amended to read as follows:

14 "§29-2-159.

15 "(a) ~~If~~ Except as provided in Section 29-2-165, if
16 an applicant's eligibility is verified by the Division of Risk
17 Management, the committee shall certify to the applicant an
18 amount equal to fifty thousand dollars (\$50,000) for each year
19 or the pro rata amount for the portion of each year of
20 incarceration.

21 "(b) The committee, after hearing testimony, ~~shall~~
22 ~~have the authority to~~ may recommend some discretionary amount
23 in addition to the base amount if circumstances warrant such a
24 supplemental award. Any ~~such~~ supplemental amount shall be in
25 the form of a bill to be presented to the Legislature.

26 "(c) At the hearing on additional compensation, the
27 applicant may introduce evidence in the form of affidavits or

1 testimony to support the additional compensation as provided
2 in subsection (b), L and the Attorney General or the local
3 prosecutor's office under whose jurisdiction the case was
4 prosecuted may introduce counter affidavits or testimony in
5 refutation. If the committee finds from the evidence that the
6 applicant warrants additional compensation, it shall recommend
7 the amount the applicant is eligible to be paid for over the
8 base amount and shall make a recommendation to the
9 Legislature.

10 "(d) The Comptroller, L upon proper certification from
11 the committee, L shall pay the amount of the base award to the
12 applicant out of any available state funds appropriated by the
13 Legislature for such purposes. Any amounts for additional
14 compensation passed by the Legislature will be paid as
15 provided for in ~~such~~ the legislation.

16 "(e) The committee shall give written notice of its
17 certifications within 10 days to all parties involved in the
18 process as well as the appropriate state officials charged
19 with processing the compensation. The determination of the
20 committee shall not be subject to review upon appeal of the
21 claimant or the state.

22 "§29-2-165.

23 "(a) Notwithstanding any other provisions of this
24 article, payment and receipt of any base or supplemental
25 compensation as provided by subsections (a), (b), (c), or (d)
26 of Section 29-2-159 is contingent upon the Legislature
27 appropriating funds for that purpose.

1 "(b) This article does not provide for an
2 entitlement to compensation to persons determined to have been
3 wrongfully incarcerated, does not require that the Legislature
4 appropriate funds for payment of either base or supplemental
5 compensation, and does not require or authorize the
6 Comptroller to pay any such compensation until funds have been
7 appropriated by the Legislature for that purpose.

8 "(c) In satisfaction of any amount of base and
9 supplemental compensation certified by the committee, the
10 Legislature may negotiate and appropriate a one-time lump sum
11 payout to the applicant."

12 Section 2. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.