

May 14, 2008

H 2105. COMPENSATION FOR ERRONEOUSLY CONVICTED. Filed 5/14/08. *TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED PARDONS OF INNOCENCE.*

Amends GS 148-84 to increase the amount of compensation from \$20,000 to \$40,000 awarded yearly, or on a pro rata basis, to a person who had been imprisoned and granted a pardon of innocence because a crime was not committed or was not committed by the claimant. Also increases the maximum compensation from \$500,000 to \$700,000 and adds new language to clarify that compensation is not available for any portion of time served for a concurrent prison sentence for an unpardoned crime. Adds a new provision to allow for an annual adjustment to the compensation rate, beginning July 1, 2009, based on the Consumer Price Index for the previous year, not to exceed 5%. Requires the award to be based on the adjusted amount in effect on the date a claim for compensation is filed. Establishes additional compensation for deprivation of educational and training opportunities due to imprisonment by providing the following: (1) job skills training for at least one year through a state program, and (2) expenses for tuition and fees at a UNC educational institution for any offered degree or program of the applicant's choice, which includes assistance with prerequisite requirements. A claimant has within ten years of release to apply for educational aid and will receive funds for up to a total of five years if making satisfactory progress in the program or degree. Applies to any person granted a pardon of innocence by the Governor on or after July 1, 2007.

Intro. by Glazier.

GS 148

June 25, 2008

H 2105. COMPENSATION FOR ERRONEOUSLY CONVICTED. Filed 5/14/08. House committee substitute makes the following changes to 1st edition. Changes the title to describe more fully the provisions of the bill. Increases the amount awarded for each year of imprisonment to \$50,000 (was, an increase to \$40,000 proposed in the previous edition). Includes the value of job training and educational expenses when determining whether a claimant's total compensation has exceeded the cap. Provides that the compensation is not subject to any child support obligations accrued by the claimant during incarceration. Clarifies that tuition and fees expenses are to be provided only at public North Carolina institutions of higher learning.

July 18, 2008

H 2105. COMPENSATION FOR ERRONEOUSLY CONVICTED. Filed 5/14/08. Senate amendments make the following changes to 2nd edition. Amendment #1 amends GS 148-84 by deleting proposed language providing that the compensation is not subject to any child support obligations that accrued while the claimant was serving a prison sentence for the crime for which the pardon of innocence was granted. Also deletes proposed GS 148-84(b) that required the Industrial Commission to annually adjust the amount awarded to reflect the increase in the Consumer Price Index For All Urban Consumers for the previous calendar year, not to exceed 5%. Amendment #2 changes the effective date so that the act applies to any person granted a pardon of innocence by the Governor on or after January 1, 2004 (was, July 1, 2007).

August 8, 2008

SL 2008-173 (H 2105). COMPENSATION FOR ERRONEOUSLY CONVICTED. AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED PARDONS OF INNOCENCE; TO REQUIRE THE INDUSTRIAL COMMISSION TO ANNUALLY ADJUST THE COMPENSATION TO REFLECT INCREASES IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS; AND TO ALLOW THE INDUSTRIAL COMMISSION TO AWARD ADDITIONAL COMPENSATION OF JOB SKILLS TRAINING AND EXPENSES FOR TUITION AND FEES AT A NORTH CAROLINA COMMUNITY COLLEGE OR CONSTITUENT INSTITUTION.

Summarized in *Daily Bulletin* 5/14/08, 6/25/08, and 7/18/08. Enacted August 4, 2008. Effective

August 4, 2008, and applies to any person granted a pardon of innocence by the Governor on or after January 1, 2004.