

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 398

Short Title: Increase Erroneous Conviction Compensation. (Public)

Sponsors: Representatives Glazier, Michaux, Harrison, and Luebke (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Appropriations.

March 31, 2015

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.