

IN THE SENATE

SENATE BILL NO. 1200, As Amended in the House

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE IDAHO WRONGFUL CONVICTION ACT; AMENDING SECTION 6-3503, IDAHO CODE, AS ADDED IN SECTION 1 OF SENATE BILL NO. 1027, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING COMPENSATION RELATED TO A WRONGFUL CONVICTION; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 6-3503, Idaho Code, as added in Section 1 of Senate Bill No. 1027, as enacted by the First Regular Session of the Sixty-sixth Idaho Legislature, be, and the same is hereby amended to read as follows:

6-3503. COMPENSATION. (1) In an action brought pursuant to section 6-3502, Idaho Code, damages awarded shall be:

(a) (i) Sixty-two thousand dollars (\$62,000) for each year of imprisonment actually served, including time spent awaiting trial;  
or

(ii) If the claimant was imprisoned on death row, sSeventy-five thousand dollars (\$75,000) for each year of imprisonment if the claimant was imprisoned on death row actually served related to the charge giving rise to death row imprisonment, including time spent awaiting trial; and

(b) No less than twenty-five thousand dollars (\$25,000) for each year the person was on parole or no less than twenty-five thousand dollars (\$25,000) for each year the person was required to register as a sex offender, whichever period of time was greater.

(2) Compensation awarded under subsection (1) of this section shall be computed on a pro rata basis, with damages computed according to the number of days the claimant spent awaiting trial and was imprisoned, on parole, or required to register as a sex offender due to the conviction that is the subject of the action. For purposes of the pro rata calculation, three hundred sixty-five (365) days equals one (1) year. The burden is on the claimant to establish the number of days he was imprisoned, on parole, or required to register as a sex offender.

(3) The claimant must establish the damages he is seeking under subsections (1), (2), and (4) of this section and the basis for those damages. Awards shall be paid from the innocence fund created pursuant to section 6-3505, Idaho Code. Any award of damages shall not accrue post-judgment interest, and the provisions of section 28-22-104, Idaho Code, shall not apply to such damages. A court shall not award, and a claimant shall not receive, compensation for any period of imprisonment during which the claimant was serving a sentence for a conviction of another offense for which the claimant was lawfully convicted and imprisoned. The claimant shall not receive com-

1    pensation for any period of time that he was on parole or required to register  
2    as a sex offender during which the claimant was paroled or required to regis-  
3    ter as a sex offender for another offense for which the claimant was lawfully  
4    convicted.

5       (4) In addition to the damages awarded pursuant to subsection (1) of  
6    this section, the claimant may be entitled to the following:

7       (a) Reasonable attorney's fees and costs incurred in the action brought  
8       pursuant to this chapter not to exceed a total of twenty-five thousand  
9       dollars (\$25,000), unless a greater reasonable total is authorized by  
10      the court upon a finding of good cause shown; and

11      (b) Reentry services offered through the department of correction, as  
12      applicable.

13      (5) If a claimant in a separate civil action related to the wrongful  
14      conviction has won a monetary judgment against, or entered into a settle-  
15      ment agreement with, the state or any political subdivision, the amount of  
16      any such award or settlement collected by the claimant, less attorney's fees  
17      and litigation costs, shall be deducted from the sum of money to which the  
18      claimant is entitled to under this section. If a claimant first receives  
19      compensation under this section and then in a separate civil action wins a  
20      monetary judgment against, or enters into a settlement agreement with, the  
21      state or any political subdivision related to the wrongful conviction, the  
22      claimant shall reimburse the state. The reimbursement shall be for the sum  
23      of the monetary payment awarded under this section, less attorney's fees and  
24      litigation costs, up to the amount of the award or settlement in the civil ac-  
25      tion. If a claimant first receives compensation under this section and then  
26      in a separate civil action related to the wrongful conviction wins a monetary  
27      judgment against, or enters into a settlement agreement with, the state or  
28      any political subdivision, the claimant shall notify and reimburse the state  
29      of such compensation.

30      (6) Any damages awarded pursuant to subsection (1) of this section  
31      shall be tax-exempt in the state of Idaho.

32      SECTION 2. An emergency existing therefor, which emergency is hereby  
33      declared to exist, this act shall be in full force and effect on and after its  
34      passage and approval.