

STATEMENT OF PURPOSE

RS27493 / H0384

Idaho is one of only 15 states where an exonerated person is left completely on his own after he is released from prison. An innocent exoneree is not even entitled to the same transition benefits that we provide for anyone else being released from prison.

This bill would create an exoneree compensation law in Idaho. It would provide \$60,000 per year of wrongful incarceration, or \$75,000 per year on death row, with an additional \$25,000 for years wrongfully spent on parole on the sex offender registry. Under this bill a wrongfully incarcerated person may bring a civil action in district court to seek damages. The bill gives exonerees, both future and current, a two-year window to file a claim. An exoneree can also seek non-monetary services such as: health insurance, medical expenses, mental health counseling, tuition assistance, housing assistance, job assistance, and personal finance literacy. Finally, the bill includes a provision that offsets state compensation with any civil awards or settlements paid to exonerees.

FISCAL NOTE

According to the National Registry of Exonerations, there have been six known exonerations in the state of Idaho since the registry began over 30 years ago. Our analysis shows that four of those six would be eligible to file for compensation. Nationally, in states that have passed compensation laws not all eligible people apply for compensation, with only 50% filing claims and only 70% of those getting approved.

The bill does not automatically compensation anyone. If all four apply for and receive compensation, the maximum total impact would be a one-time \$3,690,000 - not including any offsets to which the state would be entitled under the bill. However, the state is reimbursed if an individual wins a civil settlement. Three of the four have settled or are pending civil cases for which the state would be reimbursed. The amounts of those potential reimbursements are unknown but will reduce the total significantly, by at least \$2 million by our estimate. If those three choose not to file under this statute or reimburse the state the full amount they are owed under this statute, the maximum impact would only be \$1,350,000.

The fiscal impact going forward is unknown as there are no pending exonerations of which we are aware. Funds would be appropriated on an as-needed basis and only if someone meets the strict eligibility requirements. The estimates above represent over 30 years worth of exposure. At roughly the same rate, the state could expect an annualized amount of \$45,000-\$123,000.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).