

REVISED

STATEMENT OF PURPOSE

RS28266 / S1027

When the government unjustly takes an Idahoan's freedom by putting him in prison for a crime he didn't commit, there is currently no process to compensate him for the years he lost. Wrongful convictions rob a person of time he can never get back and also deprive the innocent person of the chance to be a meaningful part of his family, build a career, or even buy a car. When an innocent person is exonerated and released from prison, just trying to cover the basics becomes a struggle. Exonerations can occur when new evidence is presented or when new science proves that old evidence was invalid. However, Idaho is one of only 15 states where an exonerated person is left completely on his own after he is released from prison. An exoneree is not even provided the same transition benefits the state offers to someone released from prison after completing a sentence. This bill would create an exoneree compensation law in Idaho. The bill is similar to one passed by the Idaho Legislature in 2020, with a few notable differences. This version of the bill would provide \$62,000 per year of wrongful incarceration, or \$75,000 per year served on death row, as well as a process for how to make a claim for compensation. Anyone forced to wrongfully serve parole on the sex offender registry would be provided an additional \$25,000 per year. Exonerees would be given a two-year window to file a claim from the time they were formally exonerated by a court. This bill provides \$2,000 more per year than the bill approved in 2020, but does not include non-monetary services such as free health insurance, college tuition, housing assistance and other things included in the 2020 bill. Finally, the bill includes a provision to offset state compensation with any civil awards or settlements paid to exonerees through separate court action. While no amount of money can make up for the years an innocent person lost behind bars, this bill is an important step in repairing the damage to the wrongfully convicted.

FISCAL NOTE

According to the National Registry of Exonerations, there have been six exonerations in Idaho in the last 30 years. Four of those six would be eligible for compensation under this bill. In other states with these laws, about 50% of eligible people file claims and about 70% of those claims are approved. This bill does not automatically compensate anyone. If the four people described above apply and are approved, the maximum total impact to the state budget would be a one-time cost of \$3,768,000. (That amount could be reduced if any of the exonerees win a separate compensation claim in a civil court. Three of the four have already done so, and we estimate that the overall cost could be reduced by \$2 million as a result.) The fiscal impact going forward is unknown, as there are no pending exonerations of which we are aware. Future awards would be appropriated on an as-needed basis as long as someone met the strict eligibility requirements set forth in the bill.

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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).