

IN THE SENATE

SENATE BILL NO. 1200

BY JUDICIARY AND RULES COMMITTEE

AN ACT

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

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

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

12 6-3503. COMPENSATION. (1) In an action brought pursuant to section  
13 6-3502, Idaho Code, damages awarded shall be:

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

17 (ii) Seventy-five thousand dollars (\$75,000) for each year of im-  
18 prisonment actually served, including time spent awaiting trial,  
19 if the claimant was imprisoned on death row; and

20 (b) No less than twenty-five thousand dollars (\$25,000) for each year  
21 the person was on parole or no less than twenty-five thousand dollars  
22 (\$25,000) for each year the person was required to register as a sex of-  
23 fender, whichever period of time was greater.

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

32 (3) The claimant must establish the damages he is seeking under sub-  
33 sections (1), (2), and (4) of this section and the basis for those damages.  
34 Awards shall be paid from the innocence fund created pursuant to section  
35 6-3505, Idaho Code. Any award of damages shall not accrue post-judgment in-  
36 terest, and the provisions of section 28-22-104, Idaho Code, shall not apply  
37 to such damages. A court shall not award, and a claimant shall not receive,  
38 compensation for any period of imprisonment during which the claimant was  
39 serving a sentence for a conviction of another offense for which the claimant  
40 was lawfully convicted and imprisoned. The claimant shall not receive com-  
41 pensation for any period of time that he was on parole or required to register  
42 as a sex offender during which the claimant was paroled or required to regis-

1 ter as a sex offender for another offense for which the claimant was lawfully  
2 convicted.

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

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

9 (b) Reentry services offered through the department of correction, as  
10 applicable.

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

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

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