

**SB 499 -6 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary and Ballot Measure 110  
Implementation**

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**Prepared By:** Amie Fender-Sosa, Counsel

**Meeting Dates:** 3/3, 4/13

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**WHAT THE MEASURE DOES:**

Allows a person to bring a claim against the state for wrongful conviction if certain criteria are met. Allows for recovery of damages of \$65,000 per year of imprisonment and not less than \$25,000 for each additional year served on parole or post-prison supervision or each year the claimant was required to register as a sex offender, whichever is greater. Disqualifies claimant for damages for any period of incarceration during which the claimant was serving a concurrent sentence for another crime for which the person was lawfully incarcerated. Provides for a structured annuity payment, unless the court finds that it is in the best interests of the claimant to award a lump sum. Awards to the claimant reasonable attorney fees. Permits the court to award other relief sought in the complaint, such as counseling, housing assistance and personal financial literacy assistance. If the claimant prevails, requires the court to issue a certificate of innocence and order related records expunged. Creates a two-year statute of limitations from the date of the dismissal of the charges or finding of not guilty on retrial or the grant of pardon. Creates a statute of limitations of two-years from the effective date of the measure for those who meet the requirements before the effective date of the measure.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-6 Replaces the measure. Allows a person to bring a claim against the state for wrongful conviction if certain criteria are met. Allows for recovery of damages of \$65,000 per year of imprisonment and not less than \$25,000 for each additional year served on parole or post-prison supervision or each year the claimant was required to register as a sex offender, whichever is greater (amounts to be adjusted for inflation annually). Disqualifies claimant for damages for any period of incarceration during which the claimant was serving a concurrent sentence for another crime for which the person was lawfully incarcerated. Provides for a structured annuity payment, unless the court finds that it is in the best interests of the claimant to award a lump sum. Awards to the claimant reasonable attorney fees. Permits the court to award other relief sought in the complaint, such as access to existing state, local or other programs. If the claimant prevails, requires the court to issue a judgement which may include a certificate of innocence and order related records set aside and sealed. Clarifies that any party to the proceeding may appeal a judgment. Exempts the claim from the Tort Claims Act. Creates a two-year statute of limitations from the date of the dismissal of the charges or finding of not guilty on retrial or the grant of pardon. Creates a statute of limitations of two-years from the effective date of the measure for those who meet the requirements before the effective date of the measure.

**BACKGROUND:**