

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 611

Short Title: Increase Comp. for Err. Conviction.

(Public)

Sponsors: Representatives Hackney, Reynolds; Allred, Cole, Culpepper, Goodwin, Hardaway, and Insko.

Referred to: Judiciary II.

March 25, 1997

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS
2 ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED
3 PARDONS OF INNOCENCE.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 148-84 reads as rewritten:

7 "**§ 148-84. Evidence; action by Parole Commission; payment and amount of**
8 **compensation.**

9 At the hearing the claimant may introduce evidence in the form of affidavits to
10 support the claim, and the Attorney General may introduce counter affidavits in
11 refutation. If the Parole Commission finds from the evidence that the claimant was
12 pardoned for the reason that the crime was not committed at all, or was not committed by
13 the claimant, and that the claimant has been vindicated in connection with the alleged
14 offense for which he was imprisoned; and that he has sustained pecuniary loss through
15 such erroneous conviction and imprisonment, the Parole Commission shall report the
16 facts, together with ~~his~~its conclusions and recommendations to the Governor, and the
17 Governor, with the approval of the Council of State, may pay to the claimant out of the
18 Contingency and Emergency Fund, or out of any other available State fund, such
19 amounts as may partially compensate the claimant for such pecuniary loss as he may be

1 found to have suffered by reason of his erroneous conviction and imprisonment, such
2 compensation not to be in excess of ~~five hundred dollars (\$500.00)~~ five thousand dollars
3 (\$5,000) for each year of such imprisonment actually served; and in no event shall such
4 compensation exceed a total amount of ~~five thousand dollars (\$5,000)~~. one hundred fifty
5 thousand dollars (\$150,000)."

6 Section 2. This act is effective when it becomes law and applies to persons
7 pardoned on or after July 1, 1995.