

FIRST REGULAR SESSION

HOUSE BILL NO. 905

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LOW (Sponsor), EL-AMIN, LeVOTA, YAEGER,
WALTON GRAY, OXFORD AND MORRIS (Co-sponsors).

2164L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to compensation for wrongful imprisonment.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.780, to read as follows:

537.780. 1. Notwithstanding the provisions of any other law, any person convicted and subsequently imprisoned for one or more crimes for which it is later established that such person did not commit such crimes may, in accordance with the provisions of this section, apply for compensation to the state attorney general's office and the committee on compensation for wrongful conviction.

2. Such person, hereinafter referred to as the claimant, shall be eligible if:

(1) The claimant was convicted and sentenced to death, and subsequently released by the state; and

(2) The claimant was pardoned by the governor; or

(3) The conviction is vacated or reversed on grounds consistent with innocence; or

(4) The claimant was found not guilty in a retrial; or

(5) The government refused to retry the claimant when retrial was granted; or

(6) Any other judicial or executive order indicating the claimant was not guilty of the offense.

3. A state caseworker shall coordinate with the claimant's attorney to arrange for emergency assistance for thirty days upon release from a correctional institution. Within

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 thirty days of release, the state caseworker, in conjunction with the claimant who may
18 receive the assistance of an advocate, shall complete an assessment of loss and needs and
19 a community integration plan. A hearing shall be held before the committee on
20 compensation for wrongful conviction to approve the recommendations of the state
21 caseworker for compensation. The claimant may appeal the committee's award of
22 compensation to the victim's compensation board within the department of corrections.

23 4. (1) Compensation shall include reasonable and necessary expenses in order to
24 integrate the claimant back into society. Such need shall be determined by the loss and
25 needs assessment and the community integration plan. There shall not be a cap on the
26 amount of such compensation.

27 (2) In addition to the compensation awarded under subdivision (1) of this
28 subsection, the claimant shall be entitled to receive reasonable attorney fees.

29 5. A person shall not be eligible to file a claim for compensation under this section
30 if the sentence for the crime for which it is later established that such person did not
31 commit such crime was served concurrently with a sentence for the conviction of another
32 crime.

33 6. The provisions of this section providing for compensation and attorney fees shall
34 be made through the state attorney general's office.

✓