

**File Number:** H.F. 3677  
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**Subject:** Modifying compensation for exonerated persons

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### Overview

This bill modifies the definition of an “exonerated person” and addresses which individuals are eligible for compensation following exoneration.

In *Back v. State*, the court of appeals and supreme court found that section 590.11 includes an unconstitutional violation of the right to equal protection. Both courts noted that, by requiring a prosecutor to dismiss charges after a court vacated or reversed a judgment, the statute required an impossible act. The supreme court addressed the equal protection violation by severing subdivision 1, clause (1), item (i) from the remainder of the statute. As a result, a person whose conviction was vacated or reversed on grounds consistent with innocence is not currently eligible for compensation as an exonerated person.

### Section

- 1**      **Definition.** Amends the definition of “exonerated” to mean either:
1. a court vacated or reversed a judgment of conviction on grounds consistent with innocence and either (a) there are no remaining felony charges in effect against the petitioner arising from the same behavioral incident or (b) if there are remaining felony charges arising from the same behavioral incident, the prosecutor dismissed those charges; or
  2. a court ordered a new trial on grounds consistent with innocence and either (a) the prosecutor dismissed all felony charges against the petitioner that arose from the

## Section

same behavioral incident or (b) the petitioner was found not guilty of all felony charges that arose from the same behavioral incident.

Further amends the definition to apply only to situations where 60 days have passed since the court reversed or vacated the judgment of conviction and either (a) the prosecutor has not filed new felony charges arising out of the same behavioral incident or (b) any newly filed felony charges were dismissed or resulted in a not guilty verdict at trial.

- 2 **Procedure.** Eliminates a deadline for individuals exonerated before the law went into effect in 2014 which required those individuals to file a petition for compensation based on exoneration by July 1, 2016. Permits a person who did not meet both requirements of subdivision 1, clause (1), item (i) before July 1, 2018 to file a petition for compensation based on exoneration at any time between July 1, 2018 and July 1, 2020.
- 3 **Elements.** Removes references to “in prison” and “imprisonment” and inserts the term “incarceration.” Expands the category of individuals permitted to file a petition for compensation despite serving a term of incarceration for another crime to include those sentenced to additional executed sentences that had been stayed, but were executed as a result of the conviction that is the basis of the petition.
- 4 **Order.** Replaces the term “imprisonment” with “incarceration.”
- 5 **Reimbursement; monetary damages; attorney fees.** Establishes \$100,000 as the maximum amount of monetary damages a person can receive for each year of incarceration and permits a person to apply for additional actual damages.
- 6 **Limits on damages.** Replaces the term “imprisonment” with “incarceration.”
- 7 **Compensating exonerated persons; appropriations.** Removes the requirement that consideration of an appropriation for the amount of any award to an exonerated person take place during the next legislative session.
- 8 **Short title.** Amends the title of provisions related to compensation based on exoneration from the “Imprisonment and Exoneration Remedies Act” to the “Incarceration and Exoneration Remedies Act.”