

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 611

SHORT TITLE: Increase Compensation for Erroneous Conviction

SPONSOR(S): Rep Hackney and Reynolds

FISCAL IMPACT

Yes (x) No () No Estimate Available ()

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

REVENUES

EXPENDITURES \$55,000 - - - -

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Post Release Supervision and Parole Commission, Contingency and Emergency Fund

EFFECTIVE DATE: For pardons after July 1, 1995

BILL SUMMARY: H 611. INCREASE COMP. FOR ERR. CONVICTION. TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED PARDONS OF INNOCENCE. Amends GS 148-84 to provide that compensation may not exceed \$5,000 (now, \$500) for each year or portion of year of imprisonment actually served, and total compensation may not exceed \$150,000 (now, \$5,000).

ASSUMPTIONS AND METHODOLOGY: The Governor's Office of Pardon and the Post Release Supervision and Parole Commission agree that pardons of innocence are very rare and there is only 1 known instance in recent memory. This bill would affect compensation due to an individual who was incarcerated for 11 years and pardoned in 1995. Based on the circumstances of this case, approximately \$55,000 in funds from the Contingency and Emergency Fund would be needed to pay compensation in 1997-8. (Because of multiple charges and concurrent sentences the Post Release Supervision and Parole Commission would have to make an exact determination of the length of the erroneous imprisonment) . Because pardons of innocence are rare there is no impact on the Post Release Supervision and Parole Commission or other state agencies.

TECHNICAL CONSIDERATIONS: The bill refers to the Parole Commission whose name has been changed to the Post Release Supervision and Parole Commission.

SOURCES OF INFORMATION: Post Release Supervision and Parole Commission, Governor's Clemency Office, Combined Records Department of Correction

FISCAL RESEARCH DIVISION

733-4910

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DATE: April 8, 1997



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