

Fiscal Estimate Narratives

DOC 10/24/2017

LRB Number	17-0316/1	Introduction Number	AB-0548	Estimate Type	Original
Description claims by and treatment of wrongfully imprisoned persons and making appropriations					

Assumptions Used in Arriving at Fiscal Estimate

This bill does the following: 1) makes changes to the requirements for claims for state compensation by wrongfully imprisoned persons; and 2) provides health care coverage and other assistance for such persons. The bill initially applies with respect to claims filed by persons who are released on or after January 1, 1990, from imprisonment for crimes of which they claim to be innocent.

Under the bill, the amount of compensation is fixed at a rate of \$50,000 per year, prorated daily, with a \$1,000,000 limit on the total amount of an award. In addition, subject to the \$1,000,000 limit, each award must include reimbursement for reasonable, actual attorney fees, together with all costs and disbursements incurred by the petitioner in his or her defense, postconviction, and compensation proceedings and all fees, surcharges, and restitution paid by the petitioner as a result of his or her arrest and imprisonment. The \$50,000 annual rate is subject to annual adjustments based on changes in the cost of living. The bill requires the board to make, every five years, a recommendation to the legislature as to whether the \$1,000,000 limit should be changed.

Under the bill, if a person's conviction for a crime is reversed, set aside, or vacated on grounds consistent with the person's innocence, and the person is ordered released from prison by a trial court, the court must grant the person, upon request, temporary financial assistance, transition assistance from the Department of Corrections and local aid agencies, and sealing of all records related to his or her conviction.

This bill permits individuals who receive compensation from the state for wrongful imprisonment and who are not eligible to obtain health care coverage from an employer to elect, for up to five years, health care coverage under plans offered by the Group Insurance Board to state employees beginning on January 1, 2019. Under the bill, these individuals would be required to pay the same health insurance premium amounts that state employees are required to pay, with the balance of the premium cost paid by the state.

There is no fiscal impact on the Department of Corrections as the only change this bill makes for the DOC is to require the Department to provide transition assistance to wrongfully convicted persons, upon request. The DOC will be able to do this with its current staff because the DOC assumes that there will be a small number of inmates each year that are determined to be wrongfully convicted.

The DOC is not responsible for compensating wrongfully imprisoned persons nor is it responsible for providing health care for such persons. Thus, these changes will not impact the DOC.

Long-Range Fiscal Implications