

1 SB157
2 151396-3
3 By Senator Waggoner
4 RFD: Finance and Taxation General Fund
5 First Read: 14-JAN-14

1 SB157

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 29-2-160, Code of Alabama 1975,
12 relating to claims for payments for wrongful incarcerations;
13 to provide that legal fees and expenses shall be limited to 25
14 percent of the amount awarded to the claimant.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 29-2-160 of the Code of Alabama
17 1975, is amended to read as follows:

18 "§29-2-160.

19 "(a) The committee in its discretion may direct that
20 payment of compensation claims to a claimant be made in a lump
21 sum or in such installments as it deems appropriate, ~~but no~~
22 ~~part of such claim shall be directed by the committee to any~~
23 ~~person other than the person so pardoned or exonerated, nor~~
24 ~~shall the person so pardoned or exonerated pay any part of the~~
25 ~~sum received to any person for services rendered in connection~~
26 ~~with its collection.~~ Legal fees for services provided for any

1 person claiming payment pursuant to this article shall not
2 exceed 25 percent of the total payment made to the person or
3 his or her estate. Any attorney who represents a claimant
4 before the committee may petition the committee for an award
5 of legal fees not to exceed 25 percent of the amount awarded
6 to the person or his or her estate. The committee in its
7 discretion may award the attorney legal fees not to exceed 25
8 percent of the amount awarded to the person or his or her
9 estate. The legal fees shall be paid from the State General
10 Fund. Notwithstanding the above, in the event that a person
11 awarded compensation dies prior to receiving the full amount
12 of his or her compensation, the person's estate shall be
13 eligible to receive any remaining compensation.

14 "(b) Any right to apply for compensation under this
15 article shall cease upon the death of the claimant.

16 "(c) If a person has submitted an application for
17 compensation to the Division of Risk Management, but dies
18 prior to the application being certified for compensation, the
19 estate of the person shall be eligible to receive said
20 compensation.

21 "(d) In awarding compensation under this section,
22 the committee shall not offset the award by any expenses
23 incurred by the state or any political subdivision of the
24 state in connection with the arrest, prosecution, and
25 imprisonment of the individual, including, but not limited to,
26 expenses for food, clothing, shelter, and medical care."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Finance and Taxation General Fund ... 14-JAN-14

Read for the second time and placed on the calen-
dar..... 15-JAN-14

Read for the third time and passed as amended 06-MAR-14

Yeas 30
Nays 0

Patrick Harris
Secretary