

# HOUSE BILL 985

P1, E2

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CF SB 797

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By: ~~Delegates Dumais, Barron, D.M. Davis, and Rosenberg~~ Cardin, Conaway, Cox, Crutchfield, D.M. Davis, W. Fisher, Lopez, Shetty, Rosenberg, and Williams

Introduced and read first time: February 5, 2020

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 11, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Compensation to Individual Erroneously Convicted, Sentenced, and Confined**  
3 **or Whose Conviction or Adjudication Is Reversed**  
4 **(The Walter Lomax Act)**

5 FOR the purpose of authorizing the State's Attorney to certify that a conviction was in error  
6 under certain circumstances; altering a provision of law to require, rather than  
7 authorize, the Board of Public Works to pay certain compensation to a certain  
8 individual who has been erroneously convicted, sentenced, and confined on a finding  
9 of eligibility by an administrative law judge within a certain period of time after  
10 receiving the order; authorizing an administrative law judge to issue a certain order  
11 of eligibility under certain circumstances; requiring certain compensation made by  
12 the Board to be equal to a certain amount; authorizing the administrative law judge  
13 issuing a certain order to direct certain State agencies and service providers to  
14 provide certain benefits free of charge; requiring certain compensation to be reduced  
15 by certain amounts under certain circumstances; prohibiting an individual from  
16 receiving certain compensation for certain periods of confinement; requiring an  
17 individual to request a certain order of eligibility within a certain period of time after  
18 certain events; authorizing a certain person to request an order of eligibility on  
19 behalf of a certain deceased individual; requiring a certain request to be served on a  
20 certain State's Attorney; authorizing a certain decision to be appealed by certain  
21 parties; requiring a certain order to contain certain information; requiring a copy of  
22 a certain order to be delivered to the Board and certain State agencies or service  
23 providers; repealing a provision of law limiting eligibility for certain compensation  
24 to certain situations in which a State's Attorney has certified that a conviction was

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 in error under a certain provision of law; repealing certain provisions of law  
2 prohibiting the payment of certain money to certain individuals; providing that  
3 certain provisions do not prohibit an individual from contracting for services to  
4 obtain certain compensation; establishing certain reporting requirements; requiring  
5 the Office of Administrative Hearings, in consultation with the Board, to adopt  
6 certain regulations; prohibiting a person who provides certain services to obtain  
7 certain compensation from charging, demanding, receiving, or collecting payment  
8 except under certain circumstances; providing that a certain obligation incurred is  
9 void under certain circumstances; requiring the Board to pay certain compensation  
10 to an individual if a court reverses finally the conviction or juvenile adjudication of  
11 the individual within a certain period of time and in a certain manner; requiring the  
12 Chief Administrative Law Judge to assign administrative law judges to conduct  
13 hearings on certain cases; authorizing the Chief Administrative Law Judge to serve  
14 as an administrative law judge in a certain case; making conforming changes;  
15 providing for the application of this Act; and generally relating to compensation to  
16 individuals erroneously convicted, sentenced, and confined and individuals whose  
17 convictions or adjudications are reversed by a court.

18 BY repealing and reenacting, without amendments,

19 Article – Criminal Procedure

20 Section 8–201(b), (c), and (i)

21 Annotated Code of Maryland

22 (2018 Replacement Volume and 2019 Supplement)

23 BY adding to

24 Article – Criminal Procedure

25 Section 8–201(l)

26 Annotated Code of Maryland

27 (2018 Replacement Volume and 2019 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article – State Finance and Procurement

30 Section 10–501

31 Annotated Code of Maryland

32 (2015 Replacement Volume and 2019 Supplement)

33 BY adding to

34 Article – State Finance and Procurement

35 Section 10–502 and 10–503

36 Annotated Code of Maryland

37 (2015 Replacement Volume and 2019 Supplement)

38 BY repealing and reenacting, with amendments,

39 Article – State Government

40 Section 9–1604(a)(4) and (b)(1)(i)

41 Annotated Code of Maryland

42 (2014 Replacement Volume and 2019 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

3 Article – Criminal Procedure

4 8–201.

5 (b) Notwithstanding any other law governing postconviction relief, a person who  
6 is convicted of a crime of violence under § 14–101 of the Criminal Law Article may file a  
7 petition:

8 (1) for DNA testing of scientific identification evidence that the State  
9 possesses that is related to the judgment of conviction; or

10 (2) for a search by a law enforcement agency of a law enforcement data  
11 base or log for the purpose of identifying the source of physical evidence used for DNA  
12 testing.

13 (c) A petitioner may move for a new trial under this section on the grounds that  
14 the conviction was based on unreliable scientific identification evidence and a substantial  
15 possibility exists that the petitioner would not have been convicted without the evidence.

16 (i) (1) If the results of the postconviction DNA testing are unfavorable to the  
17 petitioner, the court shall dismiss the petition.

18 (2) If the petitioner was convicted as the result of a trial and the results of  
19 the postconviction DNA testing are favorable to the petitioner, the court shall:

20 (i) if no postconviction proceeding has been previously initiated by  
21 the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102  
22 of this article;

23 (ii) if a postconviction proceeding has been previously initiated by  
24 the petitioner under § 7–102 of this article, reopen a postconviction proceeding under §  
25 7–104 of this article; or

26 (iii) on a finding that a substantial possibility exists that the  
27 petitioner would not have been convicted if the DNA testing results had been known or  
28 introduced at trial, order a new trial.

29 (3) If the court finds that a substantial possibility does not exist under  
30 paragraph (2)(iii) of this subsection, the court may order a new trial if the court determines  
31 that the action is in the interest of justice.

32 (4) (i) If the petitioner was convicted as the result of a guilty plea, an  
33 Alford plea, or a plea of nolo contendere and the court determines that the DNA test results

1 establish by clear and convincing evidence the petitioner's actual innocence of the offense  
2 or offenses that are the subject of the petitioner's motion, the court may, as the court  
3 considers appropriate:

4           1. if no postconviction proceeding has been previously  
5 initiated by the petitioner under § 7-102 of this article, open a postconviction proceeding  
6 under § 7-102 of this article;

7           2. if a postconviction proceeding has been previously  
8 initiated by the petitioner under § 7-102 of this article, reopen a postconviction proceeding  
9 under § 7-104 of this article; or

10           3. set aside the conviction and schedule the matter for trial.

11           (ii) When assessing the impact of the DNA test results on the  
12 strength of the State's case against the petitioner at the time the plea was entered, the  
13 court may consider, in addition to evidence that was presented as part of the factual support  
14 of the plea, admissible evidence submitted by either party that was contained in law  
15 enforcement files in existence at the time the plea was entered.

16           (iii) When determining an appropriate remedy under this paragraph,  
17 the court may consider any additional admissible evidence submitted by either party that  
18 came into existence after the plea was entered and is relevant to the petitioner's claim of  
19 actual innocence.

20           (5) If a new trial is granted or the matter is scheduled for trial, the court  
21 may order the release of the petitioner on bond or on conditions that the court finds will  
22 reasonably assure the presence of the petitioner at trial.

23           **(L) ON WRITTEN REQUEST BY THE PETITIONER, THE STATE'S ATTORNEY**  
24 **MAY CERTIFY THAT A CONVICTION WAS IN ERROR, IF:**

25           **(1) THE COURT GRANTS A PETITION FOR RELIEF UNDER THIS**  
26 **SECTION;**

27           **(2) IN RULING ON A PETITION UNDER THIS SECTION, THE COURT:**

28           **(I) SETS ASIDE THE VERDICT OR CONVICTION; OR**

29           **(II) SCHEDULES THE MATTER FOR TRIAL OR GRANTS A NEW**  
30 **TRIAL; AND**

31           **(3) THE STATE'S ATTORNEY DECLINES TO PROSECUTE THE**  
32 **PETITIONER BECAUSE THE STATE'S ATTORNEY DETERMINES THAT THE**  
33 **PETITIONER IS INNOCENT.**

1                                   **Article – State Finance and Procurement**

2   10–501.

3           (a)   (1)   [Subject to] **ON A FINDING OF ELIGIBILITY BY AN ADMINISTRATIVE**  
4 **LAW JUDGE UNDER** subsection (b) of this section, the Board of Public Works [may grant  
5 to] **SHALL COMPENSATE** an individual erroneously convicted, sentenced, and confined  
6 under State law for a crime the individual did not commit **IN** an amount [commensurate  
7 with the actual damages sustained by the individual, and may grant a reasonable amount  
8 for any financial or other appropriate counseling for the individual, due to the confinement]  
9 ~~**EQUAL TO, FOR EACH YEAR THAT THE INDIVIDUAL WAS WRONGFULLY CONFINED,**~~  
10 ~~**THE AVERAGE OF THE STATE’S MEDIAN HOUSEHOLD INCOME AS PUBLISHED BY THE**~~  
11 ~~**U.S. CENSUS BUREAU FOR THE 5 YEARS IMMEDIATELY PRECEDING THE FINDING**~~  
12 ~~**OF ELIGIBILITY**~~ **THE PRODUCT OF THE TOTAL NUMBER OF DAYS THAT THE**  
13 **INDIVIDUAL WAS WRONGFULLY CONFINED MULTIPLIED BY A DAILY RATE OF THE**  
14 **STATE’S MOST RECENT MEDIAN HOUSEHOLD INCOME AS PUBLISHED IN THE**  
15 **AMERICAN COMMUNITY SURVEY OF THE U.S. CENSUS BUREAU PRECEDING THE**  
16 **FINDING OF ELIGIBILITY AND DIVIDED BY 365 DAYS TO THE NEAREST WHOLE CENT.**

17                   [(2) In making a grant under paragraph (1) of this subsection, the Board of  
18 Public Works shall use money in the General Emergency Fund or money that the Governor  
19 provides in the annual budget.]

20           **(2) IN ADDITION TO THE COMPENSATION AWARDED UNDER**  
21 **PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATIVE LAW JUDGE ISSUING**  
22 **AN ORDER ~~OF ELIGIBILITY~~ UNDER SUBSECTION (B) OF THIS SECTION MAY DIRECT**  
23 **THE APPROPRIATE STATE AGENCY OR SERVICE PROVIDER TO PROVIDE TO THE**  
24 **INDIVIDUAL FREE OF CHARGE ANY OF THE FOLLOWING BENEFITS:**

25                   **(I) A STATE IDENTIFICATION CARD AND ANY OTHER**  
26 **DOCUMENT NECESSARY FOR THE INDIVIDUAL’S HEALTH OR WELFARE ON THE**  
27 **INDIVIDUAL’S RELEASE FROM CONFINEMENT;**

28                   **(II) HOUSING ACCOMMODATIONS AVAILABLE ON THE**  
29 **INDIVIDUAL’S RELEASE FROM CONFINEMENT FOR A PERIOD NOT EXCEEDING 5**  
30 **YEARS;**

31                   **(III) EDUCATION AND TRAINING RELEVANT TO LIFE SKILLS ~~AND,~~**  
32 **JOB AND VOCATIONAL TRAINING, OR FINANCIAL LITERACY FOR A PERIOD OF TIME**  
33 **UNTIL THE INDIVIDUAL ELECTS NO LONGER TO RECEIVE THE EDUCATION AND**  
34 **TRAINING;**

35                   **(IV) HEALTH CARE AND DENTAL CARE FOR AT LEAST 5 YEARS**  
36 **AFTER THE INDIVIDUAL’S RELEASE FROM CONFINEMENT;**

1 (V) ACCESS TO ENROLLMENT AT AND PAYMENT OF TUITION AND  
2 FEES FOR ATTENDING A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, A  
3 REGIONAL HIGHER EDUCATION CENTER, OR THE BALTIMORE CITY COMMUNITY  
4 COLLEGE FOR A PERIOD OF ENROLLMENT NOT EXCEEDING 5 YEARS; AND

5 (VI) REIMBURSEMENT FOR COURT FINES, FEES, AND  
6 RESTITUTION PAID BY THE INDIVIDUAL FOR THE CRIME FOR WHICH THE  
7 INDIVIDUAL WAS ERRONEOUSLY CONVICTED, SENTENCED, AND CONFINED.

8 (3) (I) IF AN INDIVIDUAL PREVIOUSLY RECEIVED A MONETARY  
9 AWARD FROM A CIVIL SUIT OR ENTERED INTO A SETTLEMENT AGREEMENT WITH THE  
10 STATE OR A POLITICAL SUBDIVISION OF THE STATE FOR AN ERRONEOUS  
11 CONVICTION, SENTENCE, OR CONFINEMENT, THE AMOUNT OWED TO THE  
12 INDIVIDUAL UNDER THIS SUBSECTION SHALL BE REDUCED BY THE AMOUNT OF THE  
13 MONETARY AWARD OR SETTLEMENT THAT WAS PAID TO THE INDIVIDUAL LESS ANY  
14 AMOUNT PAID FOR ATTORNEY'S FEES AND COSTS FOR LITIGATING THE AWARD OR  
15 SETTLEMENT.

16 (II) 1. IF, AFTER RECEIVING COMPENSATION UNDER THIS  
17 SUBSECTION, AN INDIVIDUAL RECEIVES A MONETARY AWARD FROM A CIVIL SUIT OR  
18 ENTERS INTO A SETTLEMENT AGREEMENT WITH THE STATE OR A POLITICAL  
19 SUBDIVISION OF THE STATE FOR AN ERRONEOUS CONVICTION, SENTENCE, OR  
20 CONFINEMENT, THE INDIVIDUAL SHALL REIMBURSE THE STATE THE AMOUNT OF  
21 MONEY PAID UNDER THIS SECTION LESS ANY AMOUNT PAID FOR ATTORNEY'S FEES  
22 AND COSTS FOR LITIGATING THE AWARD OR SETTLEMENT.

23 2. REIMBURSEMENT REQUIRED UNDER  
24 SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY NOT EXCEED THE AMOUNT OF  
25 THE MONETARY AWARD THE INDIVIDUAL RECEIVED FOR DAMAGES IN THE CIVIL  
26 SUIT OR SETTLEMENT AGREEMENT.

27 (4) AN INDIVIDUAL MAY NOT RECEIVE COMPENSATION UNDER THIS  
28 SUBSECTION FOR ANY PERIOD OF CONFINEMENT DURING WHICH THE INDIVIDUAL  
29 WAS CONCURRENTLY SERVING A SENTENCE FOR A CONVICTION OF ANOTHER  
30 OFFENSE FOR WHICH THE INDIVIDUAL WAS LAWFULLY CONVICTED AND CONFINED.

31 (5) IF AN INDIVIDUAL ELIGIBLE FOR COMPENSATION AND BENEFITS  
32 UNDER THIS SUBSECTION IS DECEASED, THE INDIVIDUAL'S ESTATE HAS STANDING  
33 TO BE COMPENSATED UNDER THIS SUBSECTION.

34 (b) (1) An ADMINISTRATIVE LAW JUDGE SHALL ISSUE AN ORDER THAT AN  
35 individual is eligible for [a grant] COMPENSATION AND BENEFITS under subsection (a)  
36 of this section if:

1            [(1)] (I) the individual has received from the Governor a full pardon  
 2 ~~stating that the individual's conviction has been shown conclusively to be in error] **BASED**  
 3 ~~ON THE CONCLUSION THAT THE INDIVIDUAL WAS CONVICTED, SENTENCED, AND~~  
 4 ~~CONFINED FOR A CRIME THAT THE INDIVIDUAL DID NOT COMMIT; [or]~~~~

5            [(2)] (II) the State's Attorney certifies that the ~~individual's conviction~~  
 6 was in error under ~~§ 8-201 OR § 8-301 of the Criminal Procedure Article] **INDIVIDUAL**  
 7 ~~WAS CONVICTED, SENTENCED, AND CONFINED FOR A CRIME THE INDIVIDUAL DID~~  
 8 ~~NOT COMMIT; OR~~~~

9            (III) THE ADMINISTRATIVE LAW JUDGE CERTIFIES THAT THE  
 10 INDIVIDUAL WAS CONVICTED, SENTENCED, AND CONFINED FOR A CRIME THAT THE  
 11 INDIVIDUAL DID NOT COMMIT BASED ON THE FOLLOWING, PROVED BY A  
 12 PREPONDERANCE OF THE EVIDENCE:

13                            1. ~~THE JUDGMENT OF CONVICTION WAS REVERSED OR~~  
 14 ~~VACATED AND EITHER THE CHARGES WERE DISMISSED OR, ON RETRIAL, THE~~  
 15 ~~INDIVIDUAL WAS ACQUITTED;~~

16                            2. ~~A COURT HAS GRANTED A PETITION FOR RELIEF~~  
 17 ~~UNDER § 8-201 OR § 8-301 OF THE CRIMINAL PROCEDURE ARTICLE; THE~~  
 18 ~~JUDGMENT OF CONVICTION WAS REVERSED OR VACATED AND EITHER THE CHARGES~~  
 19 ~~WERE DISMISSED OR, ON RETRIAL, THE INDIVIDUAL WAS ACQUITTED; AND~~

20                            2. IN A RULING ON A PETITION UNDER ITEM 1 OF THIS  
 21 ITEM THE COURT FINDS:

22                            A. ~~SETS ASIDE THE VERDICT OR CONVICTION WAS SET~~  
 23 ~~ASIDE OR VACATED; OR~~

24                            B. ~~SCHEDULES THE MATTER FOR TRIAL OR GRANTS A~~  
 25 ~~NEW TRIAL;~~

26                            3. THE STATE'S ATTORNEY DECLINED TO PROSECUTE  
 27 THE PETITIONER, OR THE PERSON WAS RETRIED AND FOUND NOT GUILTY;

28                            4. C. THE PETITIONER REQUESTS REQUESTED IN WRITING  
 29 THAT THE STATE'S ATTORNEY TO CERTIFY THAT THE INDIVIDUAL'S CONVICTION  
 30 WAS IN ERROR;

31                            5. D. THE STATE'S ATTORNEY HAS FAILED TO ACT ON OR  
 32 DECLINED A REQUEST TO CERTIFY THAT THE INDIVIDUAL'S CONVICTION WAS IN  
 33 ERROR WITHIN 45 DAYS OF A REQUEST;

1                    ~~6. E.~~ **E.** THE INDIVIDUAL DID NOT COMMIT THE CRIME OR  
 2 CRIMES FOR WHICH THE INDIVIDUAL WAS CONVICTED AND WAS NOT AN ACCESSORY  
 3 OR ACCOMPLICE TO THE ACTS THAT WERE THE BASIS OF THE CONVICTION THAT  
 4 ~~RESULTED IN THE REVERSAL OR THE JUDGMENT BEING VACATED, DISMISSAL OF~~  
 5 ~~THE CHARGES, OR AN ACQUITTAL ON RETRIAL WAS THE SUBJECT OF A PETITION~~  
 6 ~~UNDER ITEM 1 OF THIS ITEM~~ RESULTED IN THE REVERSAL OR THE JUDGMENT BEING  
 7 VACATED, DISMISSAL OF THE CHARGES, OR AN ACQUITTAL ON RETRIAL; AND

8                    ~~3. 7. F.~~ **F.** THE INDIVIDUAL DID NOT COMMIT OR SUBORN  
 9 PERJURY, FABRICATE EVIDENCE, OR BY THE INDIVIDUAL'S OWN CONDUCT CAUSE  
 10 OR BRING ABOUT THE CONVICTION.

11                    (2) FOR THE PURPOSES OF PARAGRAPH ~~(1)(III)3~~ (1)(III)7 OF THIS  
 12 SUBSECTION, "COMMITTING OR SUBORNING PERJURY, FABRICATING EVIDENCE, OR  
 13 CAUSING OR BRINGING ABOUT A CONVICTION" DOES NOT ~~INCLUDE MAKING A FALSE~~  
 14 ~~CONFESSION OR ENTERING A GUILTY PLEA~~ INCLUDE:

15                    (I) MAKING A FALSE CONFESSION; OR

16                    (II) ENTERING:

17                    1. A GUILTY PLEA;

18                    2. AN ALFORD PLEA; OR

19                    3. A NOT GUILTY PLEA PURSUANT TO AN AGREED  
 20 STATEMENT OF FACTS.

21                    (3) THE FOLLOWING SHALL BE PARTIES TO A PROCEEDING UNDER  
 22 THIS SUBSECTION:

23                    (I) THE STATE'S ATTORNEY OF THE COUNTY WHERE THE  
 24 CRIME WAS COMMITTED; AND

25                    (II) THE STATE.

26                    (C) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS  
 27 SUBSECTION, AN INDIVIDUAL MAY REQUEST AN ORDER OF ELIGIBILITY UNDER  
 28 SUBSECTION (B) OF THIS SECTION WITHIN 2 YEARS AFTER THE DATE ON WHICH:

29                    (I) THE GOVERNOR ISSUED A PARDON DESCRIBED UNDER  
 30 SUBSECTION (B)(1)(I) OF THIS SECTION;



1                   **(II) THE STATE’S ATTORNEY MAKES A CERTIFICATION**  
2 **DESCRIBED UNDER SUBSECTION (B)(1)(II) OF THIS SECTION; OR**

3                   **(III) THE CRIMINAL CHARGES AGAINST THE INDIVIDUAL WERE**  
4 **DISMISSED OR THE INDIVIDUAL WAS FOUND NOT GUILTY ON RETRIAL AS DESCRIBED**  
5 **UNDER SUBSECTION (B)(1)(III) OF THIS SECTION.**

6                   **(2) AN INDIVIDUAL CONVICTED, CONFINED, AND RELEASED FROM**  
7 **CONFINEMENT BEFORE JULY 1, 2020, MAY REQUEST AN ORDER OF ELIGIBILITY**  
8 **UNDER SUBSECTION (B) OF THIS SECTION ON OR BEFORE JUNE 30, 2022.**

9                   **(3) IF AN INDIVIDUAL DESCRIBED UNDER SUBSECTION (B)(1) OF THIS**  
10 **SECTION IS DECEASED, A PERSONAL REPRESENTATIVE OR AN EXECUTOR OF THE**  
11 **INDIVIDUAL’S ESTATE MAY REQUEST AN ORDER OF ELIGIBILITY FOR**  
12 **COMPENSATION ON THE INDIVIDUAL’S BEHALF.**

13                   **(4) A REQUEST FOR ELIGIBILITY FILED UNDER THIS SECTION SHALL**  
14 **BE SERVED ON THE STATE’S ATTORNEY IN THE COUNTY IN WHICH THE CONVICTION**  
15 **OCCURRED.**

16                   **(5) THE DECISION TO GRANT OR DENY AN ORDER OF ELIGIBILITY**  
17 **UNDER SUBSECTION (B) OF THIS SECTION MAY BE APPEALED BY EITHER PARTY.**

18                   **(D) (1) IF AN ADMINISTRATIVE LAW JUDGE ORDERS THAT AN INDIVIDUAL**  
19 **IS ELIGIBLE FOR COMPENSATION AND BENEFITS UNDER SUBSECTION (B) OF THIS**  
20 **SECTION, THE ORDER SHALL INCLUDE:**

21                               **(I) THE MONETARY AWARD OWED TO THE INDIVIDUAL UNDER**  
22 **SUBSECTION (A)(1) OF THIS SECTION;**

23                               **(II) REASONABLE ATTORNEY’S FEES AND EXPENSES**  
24 **ASSOCIATED WITH THE ACTION BROUGHT UNDER THIS SECTION; AND**

25                               **(III) BENEFITS TO BE AWARDED UNDER SUBSECTION (A) OF THIS**  
26 **SECTION.**

27                   **(2) A COPY OF THE ORDER ISSUED UNDER SUBSECTION (B) OF THIS**  
28 **SECTION SHALL BE DELIVERED TO:**

29                               **(I) THE BOARD OF PUBLIC WORKS TO MAKE THE PAYMENTS**  
30 **ORDERED UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION; AND**

31                               **(II) ANY STATE AGENCY OR SERVICE PROVIDER ORDERED TO**  
32 **PROVIDE BENEFITS UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION.**

1            ~~[(c)]~~ **(E)**     The Board of Public Works [may] **SHALL** pay the [grant]  
 2 **COMPENSATION** determined under subsection ~~[(a)]~~ **(D)** of this section **IN A LUMP SUM OR**  
 3 **INSTALLMENTS WITH AN INITIAL PAYMENT OF \$50,000 TO BE PAID WITHIN ~~60~~ 90**  
 4 **DAYS AFTER RECEIVING AN ORDER ISSUED UNDER SUBSECTION (B) OF THIS**  
 5 **SECTION in a lump sum or in installments.**

6            **[(d)] (1)**     The Board of Public Works may not pay any part of a grant made under  
 7 this section to any individual other than the erroneously convicted individual.

8                    **(2) (i)**     An individual may not pay any part of a grant received under  
 9 this section to another person for services rendered in connection with the collection of the  
 10 grant.

11                            **(ii)**     An obligation incurred in violation of this paragraph is void.

12                            **(iii)**     A payment made in violation of this paragraph shall be forfeited  
 13 to the State.]

14            ~~[(e)]~~ **(F)**     **(1)**     This section does not prohibit an individual from contracting for  
 15 services to:

16                    ~~(1)~~     **(I)**     determine the individual's innocence;

17                    ~~(2)~~     **(II)**     obtain a pardon; [or]

18                    ~~(3)~~     **(III)**     obtain the individual's release from confinement; **OR**

19                    ~~(4)~~     **(IV)**     **OBTAIN COMPENSATION UNDER THIS SECTION.**

20                    **(2) (I)**     **A PERSON PROVIDING SERVICES UNDER PARAGRAPH**  
 21 **(1)(IV) OF THIS SUBSECTION MAY NOT CHARGE, DEMAND, RECEIVE, OR COLLECT**  
 22 **PAYMENT OTHER THAN THAT ALLOWED UNDER SUBSECTION (D)(1)(II) OF THIS**  
 23 **SECTION.**

24                            **(II)**     **AN OBLIGATION INCURRED IN VIOLATION OF THIS**  
 25 **PARAGRAPH IS VOID.**

26            **(G)**     **ON OR BEFORE DECEMBER 31, 2020, AND ANNUALLY THEREAFTER, THE**  
 27 **BOARD OF PUBLIC WORKS SHALL REPORT TO THE GENERAL ASSEMBLY, IN**  
 28 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON ANY**  
 29 **COMPENSATION AND SERVICES AWARDED UNDER THIS SECTION.**

30            **(H)**     **THE OFFICE OF ADMINISTRATIVE HEARINGS, IN CONSULTATION WITH**  
 31 **THE BOARD OF PUBLIC WORKS, SHALL ADOPT REGULATIONS TO GOVERN THE**

1 PROCEDURES AND PRACTICES IN ALL CASES REQUESTING COMPENSATION AND  
2 BENEFITS UNDER THIS SUBTITLE.

3 **10-502.**

4 (A) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO RECEIVES  
5 COMPENSATION UNDER § 10-501 OF THIS SUBTITLE.

6 (B) IF A COURT REVERSES FINALLY THE CONVICTION OR JUVENILE  
7 ADJUDICATION OF AN INDIVIDUAL AND ORDERS THAT FINES, GOVERNMENTAL FEES,  
8 COSTS, OR RESTITUTION THAT WERE PAID BY THE INDIVIDUAL IN CONNECTION  
9 WITH THE CONVICTION OR JUVENILE ADJUDICATION BE REFUNDED, THE BOARD OF  
10 PUBLIC WORKS SHALL COMPENSATE THE INDIVIDUAL FOR THE AMOUNT  
11 DETERMINED BY THE COURT TO BE OWED TO THE INDIVIDUAL FOR FINES, FEES,  
12 COSTS, AND RESTITUTION PREVIOUSLY PAID BY THE INDIVIDUAL.

13 (C) THE BOARD OF PUBLIC WORKS SHALL PAY TO THE INDIVIDUAL THE  
14 AMOUNT SET BY THE COURT UNDER SUBSECTION (B) OF THIS SECTION WITHIN ~~60~~ 90  
15 DAYS AFTER RECEIVING THE ORDER FROM THE ~~INDIVIDUAL~~ COURT.

16 **10-503.**

17 IN AWARDING COMPENSATION UNDER THIS SUBTITLE, THE BOARD OF PUBLIC  
18 WORKS SHALL USE MONEY IN THE GENERAL EMERGENCY FUND OR MONEY THAT  
19 THE GOVERNOR PROVIDES IN THE ANNUAL BUDGET FOR THAT PURPOSE.

## 20 Article – State Government

21 9-1604.

22 (a) The Chief Administrative Law Judge shall:

23 (4) assign administrative law judges to conduct hearings in contested cases  
24 **OR CASES TO DETERMINE ELIGIBILITY FOR COMPENSATION AND BENEFITS UNDER**  
25 **§ 10-501 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;**

26 (b) (1) The Chief Administrative Law Judge may:

27 (i) serve as an administrative law judge in a contested case **OR A**  
28 **CASE TO DETERMINE ELIGIBILITY FOR COMPENSATION AND BENEFITS UNDER §**  
29 **10-501 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;**

30 SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be  
31 construed to apply retroactively to any application for compensation or benefits pending on  
32 or after the effective date of this Act.

## HOUSE BILL 985

1 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be  
2 construed to apply retroactively to allow a person to apply for modification of any  
3 compensation awarded by the Board of Public Works between January 1, ~~1987~~ 1984, and  
4 June 30, ~~2020~~ 2019, inclusive.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
6 1, 2020.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.