

SENATE BILL 723

P2, E2

8lr3025
CF 8lr3054

By: **Senator Lee**

Introduced and read first time: February 2, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Board of Public Works – Erroneously Convicted Individual – Restitution**

3 FOR the purpose of requiring a certain grant made to a certain erroneously convicted
4 individual by the Board of Public Works to include the amounts of certain fines, fees,
5 costs, and restitution; requiring the Board of Public Works to make a certain grant
6 to a certain individual under certain circumstances; requiring the Board of Public
7 Works to use certain money in making a certain grant; and generally relating to
8 payments to erroneously convicted individuals.

9 BY repealing and reenacting, with amendments,
10 Article – State Finance and Procurement
11 Section 10–501
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2017 Supplement)

14 BY adding to
15 Article – State Finance and Procurement
16 Section 10–502
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2017 Supplement)

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

21 **Article – State Finance and Procurement**

22 10–501.

23 (a) (1) Subject to subsection (b) of this section, the Board of Public Works may
24 grant to an individual erroneously convicted, sentenced, and confined under State law for
25 a crime the individual did not commit an amount commensurate with the actual damages

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 sustained by the individual, and may grant a reasonable amount for any financial or other
2 appropriate counseling for the individual, due to the confinement.

3 (2) IF THE BOARD OF PUBLIC WORKS MAKES A GRANT TO AN
4 INDIVIDUAL UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE GRANT SHALL
5 INCLUDE THE AMOUNTS OF ANY PREVIOUSLY PAID FINES, FEES, COSTS, AND
6 RESTITUTION DETERMINED BY A COURT TO BE OWED TO THE INDIVIDUAL IN
7 CONNECTION WITH THE CONVICTION.

8 (3) In making a grant under [paragraph] PARAGRAPHS (1) AND (2) of this
9 subsection, the Board of Public Works shall use money in the General Emergency Fund or
10 money that the Governor provides in the annual budget.

11 (b) An individual is eligible for a grant under subsection (a) of this section if:

12 (1) the individual has received from the Governor a full pardon stating that
13 the individual's conviction has been shown conclusively to be in error; or

14 (2) the State's Attorney certifies that the individual's conviction was in
15 error under § 8-301 of the Criminal Procedure Article.

16 (c) The Board of Public Works may pay the grant determined under subsection
17 (a) of this section in a lump sum or in installments.

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

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

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

24 (iii) A payment made in violation of this paragraph shall be forfeited
25 to the State.

26 (e) This section does not prohibit an individual from contracting for services to:

27 (1) determine the individual's innocence;

28 (2) obtain a pardon; or

29 (3) obtain the individual's release from confinement.

30 **10-502.**

1 **(A) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO RECEIVED A**
2 **GRANT UNDER § 10-501 OF THIS SUBTITLE.**

3 **(B) IF A COURT REVERSES THE CONVICTION OR ADJUDICATION OF AN**
4 **INDIVIDUAL AND ORDERS THAT FINES, FEES, COSTS, OR RESTITUTION THAT WERE**
5 **PAID BY THE INDIVIDUAL IN CONNECTION WITH THE CONVICTION OR ADJUDICATION**
6 **BE REFUNDED, THE BOARD OF PUBLIC WORKS SHALL GRANT TO THE INDIVIDUAL**
7 **THE AMOUNT DETERMINED BY THE COURT TO BE OWED TO THE INDIVIDUAL FOR**
8 **PREVIOUSLY PAID FINES, FEES, COSTS, AND RESTITUTION.**

9 **(C) IN MAKING A GRANT UNDER THIS SECTION, THE BOARD OF PUBLIC**
10 **WORKS SHALL USE MONEY IN THE GENERAL EMERGENCY FUND OR MONEY THAT**
11 **THE GOVERNOR PROVIDES IN THE ANNUAL BUDGET.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2018.