



# 130th MAINE LEGISLATURE

LD 478

LR 850(02)

## An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons

### Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Judiciary

Fiscal Note Required: Yes

### Fiscal Note

Potential current biennium cost increase - General Fund

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$500	\$500	\$500	\$500

#### Fiscal Detail and Notes

Currently, an individual must be pardoned in order to be considered for compensation for being wrongly incarcerated and a maximum compensation of \$300,000 is paid from the General Fund. This bill establishes a new process, providing \$50,000 for each year of imprisonment and \$10,000 for each year served as a registered sex offender. According to the Innocence Project, unjustly incarcerated individuals spend 14 years in prison on average. Applying this average to the new process in the bill, total compensation per person is estimated to total \$700,000, with an additional \$140,000 if that person served as a sex offender. These amounts would be an additional \$400,000 to \$540,000 per person compared with current law.

Any compensation is paid from the newly established Unjustly Incarcerated Persons Compensation Fund, which will be funded by amounts authorized to be transferred by the Legislature from the unappropriated surplus of the General Fund. The total additional cost to the General Fund will depend on the number of unjustly incarcerated people who apply for compensation and the amount each is entitled to receive. The bill includes Other Special Revenue Funds allocations of \$500 beginning in fiscal year 2021-22 to the Department of Financial and Administrative Services to establish and keep active the Unjustly Incarcerated Persons Fund.

The bill also requires a person seeking compensation to file a claim in District Court. This will increase the number of civil suits filed in the court system. There is currently a \$300 fee for jury trials, which is split between the General Fund (\$273) and the Civil Legal Services Fund (\$27).