

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 2480

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DATE	D-PG	OFFICIAL STATUS
03/10/2014	6072	Introduction and first reading Referred to Judiciary
03/17/2014	6249a	Comm report: To pass as amended and re-refer to Finance
04/10/2014		Comm report: To pass as amended Second reading

1.1

A bill for an act

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relating to public safety; compensating exonerated persons; amending Minnesota

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Statutes 2012, sections 590.01, subdivision 1, by adding a subdivision; 609A.02,

1.4

subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 611.

1.5

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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Section 1. Minnesota Statutes 2012, section 590.01, subdivision 1, is amended to read:

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Subdivision 1. **Petition.** Except at a time when direct appellate relief is available, a

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person convicted of a crime, who claims that:

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(1) the conviction obtained or the sentence or other disposition made violated the

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person's rights under the Constitution or laws of the United States or of the state; ~~or~~

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(2) scientific evidence not available at trial, obtained pursuant to a motion granted

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under subdivision 1a, establishes the petitioner's actual innocence; or

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(3) newly discovered evidence will establish that the petitioner is innocent of the

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offense for which the petitioner was convicted;

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may commence a proceeding to secure relief by filing a petition in the district court in

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the county in which the conviction was had to vacate and set aside the judgment and to

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discharge the petitioner or to resentence the petitioner or grant a new trial or correct the

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sentence or make other disposition as may be appropriate. A petition for postconviction

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relief after a direct appeal has been completed may not be based on grounds that could

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have been raised on direct appeal of the conviction or sentence. Nothing contained herein

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shall prevent the Supreme Court or the Court of Appeals, upon application by a party,

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from granting a stay of a case on appeal for the purpose of allowing an appellant to apply

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to the district court for an evidentiary hearing under the provisions of this chapter. The

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proceeding shall conform with sections 590.01 to 590.06.

2.1 Sec. 2. Minnesota Statutes 2012, section 590.01, is amended by adding a subdivision  
2.2 to read:

2.3 Subd. 3a. **Order regarding eligibility for compensation based on exoneration.**

2.4 (a) This subdivision applies to petitions based on the establishment of innocence under  
2.5 subdivision 1, clause (2) or (3), when the court vacates or reverses the judgment of  
2.6 conviction based on the establishment of innocence, or orders a new trial because of new  
2.7 evidence of innocence and the defendant was found not guilty.

2.8 (b) Upon motion of the petitioner or defendant or upon its own motion, the court  
2.9 shall determine whether the petitioner or defendant is entitled to a claim for compensation  
2.10 based on the elements under section 611.362, subdivision 1. If the court determines that  
2.11 the person is eligible, the court shall issue an order containing its finding and notify  
2.12 the petitioner or defendant of the right to file a claim for compensation under sections  
2.13 611.362 to 611.369 and provide the person with a copy of those sections. The person  
2.14 must acknowledge receipt of the notice and a copy of those sections in writing or on the  
2.15 record before the court.

2.16 Sec. 3. Minnesota Statutes 2012, section 609A.02, subdivision 3, is amended to read:

2.17 Subd. 3. **Certain criminal proceedings ~~not resulting in conviction~~ resolved in**  
2.18 **favor of defendant.** (a) A petition may be filed under section 609A.03 to seal all records  
2.19 relating to an arrest, indictment or information, trial, or verdict if the records are not  
2.20 subject to section 299C.11, subdivision 1, paragraph (b), and if all pending actions or  
2.21 proceedings were resolved in favor of the petitioner. For purposes of this chapter, a verdict  
2.22 of not guilty by reason of mental illness is not a resolution in favor of the petitioner.

2.23 (b) For the purposes of this chapter, an action or proceeding is resolved in favor of  
2.24 the petitioner, if the petitioner was granted an order for relief based on the establishment  
2.25 of innocence under section 590.01.

2.26 Sec. 4. **[611.362] CLAIM FOR COMPENSATION FOR A PERSON WHO IS**  
2.27 **EXONERATED.**

2.28 Subdivision 1. **Elements.** (a) For purposes of issuing an order under section 590.01,  
2.29 subdivision 3a, and awarding damages under sections 611.362 to 611.369, a claim for  
2.30 compensation arises if:

2.31 (1) a person has been convicted of a crime and served any part of the imposed  
2.32 sentence in prison;

(2) in cases where the person was convicted of multiple charges arising out of the same behavioral incident, the person was exonerated based on the establishment of innocence for all of those charges;

(3) the person did not commit or induce another person to commit perjury, or fabricate evidence to cause or bring about the conviction; and

(4) the person was not serving a term of imprisonment for another crime at the same time, provided that if the person served additional time in prison due to the conviction that is the basis of the claim, the person may make a claim for that portion of time served in prison during which the person was serving no other sentence.

(b) A claimant may make a claim only for that portion of time served in prison during which they were serving no other sentence.

(c) A confession or admission later found to be false or a guilty plea to a crime the claimant did not commit does not constitute bringing about the claimant's conviction for purposes of paragraph (a), clause (3).

Subd. 2. **Respondent; filing requirement.** The state must be named as the respondent. A claimant shall serve the claim and all documents on the state through the attorney general and file the claim with the Supreme Court. The claim must include a copy of the order from the district court under section 590.01, subdivision 3a.

Subd. 3. **Agent for claimant.** If the person entitled to file a claim is incapacitated and incapable of filing the claim or is a minor or nonresident of the state, the claim may be filed on behalf of the claimant by a court-appointed guardian, the parent or guardian of a minor, or an authorized agent.

Subd. 4. **Statute of limitations.** A claimant may commence a claim under this section within two years after the date the person is exonerated, provided that if the person does not receive the notice required under section 590.01, subdivision 3a, the person may commence a claim within three years of that date. An action by the state challenging or appealing the grant of judicial relief to the claimant tolls the two-year period. Persons released from custody on grounds consistent with innocence before the effective date of this section may commence an action under this section within two years of the effective date.

## Sec. 5. **[611.363] COMPENSATION PANEL.**

Subdivision 1. **Appointment.** Within 30 business days after the claim is filed with the Supreme Court, the chief justice of the Supreme Court shall appoint a compensation panel of three attorneys or judges who are responsible for determining the amount of damages to be awarded. Members of the panel must have experience in legal issues

involving the settlement of tort claims and the determination of damages or criminal justice and sentencing.

Subd. 2. **Compensation of panel members.** Members of the panel are entitled to the compensation authorized for members of boards under section 15.0575, subdivision 3.

Subd. 3. **Payment of expenses.** The state court administrator shall forward documentation of expenses and administrative costs of the panel to the commissioner of management and budget for payment of those amounts from appropriations available for this purpose.

**Sec. 6. [611.364] PREHEARING SETTLEMENTS AND HEARING.**

Subdivision 1. **Prehearing settlements.** The panel may set a prehearing settlement conference date. At this conference, the parties must make a good faith attempt to reach a settlement in the case. If the parties agree, they may present the panel with a joint motion for summary disposition and no further hearings are required. If a settlement document is approved by the panel, it has the same effect as an award under section 611.365, for all purposes of that section.

Subd. 2. **Hearing.** (a) If the parties are unable to reach a settlement, the panel must hold an evidentiary hearing and consider any evidence and argument submitted by the parties, including affidavits, documentation, and oral and written arguments. The panel is bound by any fact or damage amount established by the stipulation of the parties.

(b) Hearings and records relating to the hearing are open to the public, except where, in the interest of justice, the panel orders a hearing closed or a record sealed.

**Sec. 7. [611.365] DAMAGES.**

Subdivision 1. **General.** A claimant is entitled to the damages provided for in this section.

Subd. 2. **Monetary damages; attorney fees.** (a) A claimant is entitled to not less than \$50,000 for each year of imprisonment, and not less than \$25,000 for each year served on supervised release or as a registered sex offender, to be prorated for partial years served. In addition, the claimant must be reimbursed for all restitution, assessments, fees, court costs, and other sums paid by the claimant as required by the judgment and sentence. In calculating additional monetary damages, the panel shall consider:

(1) economic damages, including reasonable attorney fees, lost wages, reimbursement for costs associated with the claimant's criminal defense, and efforts to prove innocence;

(2) reimbursement for medical and dental expenses that the claimant already incurred and future unpaid expenses expected to be incurred related to the claimant's imprisonment;

5.1 (3) noneconomic damages for personal physical injuries or sickness and any  
5.2 nonphysical injuries or sickness incurred during or as a result of imprisonment;

5.3 (4) reimbursement for any tuition and fees paid for each semester successfully  
5.4 completed by the claimant in an educational program, up to the equivalent value of a  
5.5 four-year degree at a public university, and reasonable reimbursement for employment  
5.6 skills and development training for the claimant as well as future unpaid costs for education  
5.7 and training not to exceed the anticipated cost of a four-year degree at a public university;

5.8 (5) reimbursement for paid or unpaid child support payments owed by the claimant  
5.9 that became due, and interest on child support arrearages that accrued, during the time  
5.10 served in prison; and

5.11 (6) reimbursement for paid or unpaid reintegrative expenses, if not provided for  
5.12 under section 611.367, for any reasonable costs incurred by the claimant for immediate  
5.13 services secured upon exoneration and release, including housing, transportation and  
5.14 subsistence, reintegrative services, and psychological, physical, and dental health care  
5.15 costs incurred by the claimant for the time period between release from wrongful  
5.16 imprisonment and the date of an award of damages under this section.

5.17 (b) The panel shall award the claimant reasonable attorney fees incurred in bringing  
5.18 a claim under sections 611.362 to 611.369 and in obtaining an order of eligibility for  
5.19 compensation based on exoneration under chapter 590.

5.20 Subd. 3. **No limit.** There is no limit on the amount of damages that may be awarded  
5.21 under this section.

5.22 Subd. 4. **Notice and acceptance of award.** A claimant who is awarded damages  
5.23 under this section must be provided with a written notice of the award. A claimant's  
5.24 acceptance of an award, compromise, or settlement must be in writing and is final and  
5.25 conclusive on the claimant.

5.26 Subd. 5. **Subsequent damage awards.** Any future damages awarded to the  
5.27 claimant resulting from an action by the claimant against the state or a political subdivision  
5.28 of this state based on the same subject must be offset by the damage award received  
5.29 under this section.

5.30 Subd. 6. **No offsets.** The damage award must not be offset by:

5.31 (1) any expenses incurred by the state or any political subdivision of the state,  
5.32 including expenses incurred to secure the claimant's custody or to feed, clothe, or provide  
5.33 medical services for the claimant; or

5.34 (2) the value of any services or reduction in fees for services, or the value of services  
5.35 to be provided to the claimant that may be awarded to the claimant under this section.

6.1       Sec. 8. **[611.366] JUDICIAL REVIEW.**

6.2           A party aggrieved by an award of damages under section 611.365 is entitled  
6.3 to judicial review of the decision as provided in sections 14.63 to 14.69; however,  
6.4 proceedings on a complaint filed under this section are not a contested case within the  
6.5 meaning of chapter 14 and are not otherwise governed by chapter 14.

6.6       Sec. 9. **[611.367] IMMEDIATE SERVICES.**

6.7           Subdivision 1. **Eligibility.** Upon order by the district court releasing a defendant from  
6.8 prison based on the establishment of innocence under section 590.01, the commissioner of  
6.9 corrections shall provide the services described in subdivision 2 for up to two years.

6.10          Subd. 2. **Services.** The commissioner must provide eligible claimants with basic  
6.11 services upon release, including: housing; vocational training; transportation; monetary  
6.12 assistance; reintegrative services; and psychological, physical, and dental health care. The  
6.13 need for these services must be determined through a review by the appropriate staff at  
6.14 the Department of Corrections in consultation with county social services for the county  
6.15 where the claimant will reside.

6.16          Subd. 3. **Reimbursement for services.** A claimant bringing an action for damages  
6.17 under section 611.365 may not receive reimbursement for any services provided at no  
6.18 cost to the claimant under subdivision 2.

6.19       Sec. 10. **[611.368] COMPENSATING EXONERATED PERSONS;**  
6.20 **APPROPRIATIONS PROCESS.**

6.21          The attorney general shall forward a final award of damages under section 611.365  
6.22 to the commissioner of management and budget for payment of that amount from  
6.23 appropriations available for this purpose. To the extent available appropriations are  
6.24 insufficient, the attorney general shall include this amount in a budget request submitted to  
6.25 the legislature during the next legislative session.

6.26       Sec. 11. **[611.369] SHORT TITLE.**

6.27          Sections 611.362 to 611.369 shall be cited as the Imprisonment and Exoneration  
6.28 Remedies Act.