

## Facts on Compensating the Wrongfully Convicted

Those proven to have been wrongfully convicted through post-conviction DNA testing spend, on average, more than 14 years behind bars. Deprived for years of family and friends and the ability to establish oneself professionally, the nightmare does not end upon release. With no money, housing, transportation, health services or insurance, and a criminal record that is rarely cleared despite innocence, the punishment lingers long after innocence has been proven. States have a responsibility to promptly provide compassionate assistance to the wrongfully convicted in the following ways:

✓ ***Monetary Compensation, Based Upon a Set Minimum Amount For Each Year Served***

✓ ***Provision of Immediate Services, Including:***

- Financial support for basic necessities, including subsistence funds, food, transportation;
- Help securing affordable housing;
- Provision of medical/dental care, and psychological and/or counseling services;
- Assistance with the development of workforce skills; and
- Legal services to obtain public benefits, expunge criminal records, and regain custody of children.

✓ ***Official Acknowledgement of a Wrongful Conviction***

Conceding that no system is perfect, the government's public recognition of the harm inflicted upon a wrongfully convicted person helps to foster his healing process, while assuring the public that the government – regardless of fault – is willing to take ownership of its wrongs or errors.

### National Picture on Compensating the Wrongfully Convicted

The **federal compensation statute** enacted in 2004 provides \$50,000 per year of wrongful incarceration, with an additional \$50,000 per year spent on death row. Adjusted for inflation this amount is \$63,000.

**31 states have statutes to provide compensation for the wrongfully convicted.** AL, CA, CO, CT, FL, HI, IA, IL, LA, MA, MD, ME, MN, MO, MS, MT, NC, NE, NH, NJ, NY, OH, OK, TN, TX, UT, VA, VT, WA, WI, WV.

**15 states provide at least \$50,000 per year of wrongful incarceration.** AL, CA, CO, CT, FL, HI, IL, MN, MS, NJ, NC, TX, VT, WA.

**A majority of states have no cap on compensation.** There is no lifetime limit on compensation in the federal statute and 18 state laws: AL, CA, MN, CO, CT, HI, IA, MD, MO, MT, NJ, NY, OH, TX, VT, WA, WV, VA.

**16 states offer benefits** including additional compensation for years spent on death row, parole, probation or the sex offender registry, tuition assistance, medical care, job search assistance, child support reimbursement CO, FL, IL, LA, MA, MN, MT, NC, TX, VA, VT, WA.