

**INNOCENCE
PROJECT**

Omaha World-Herald

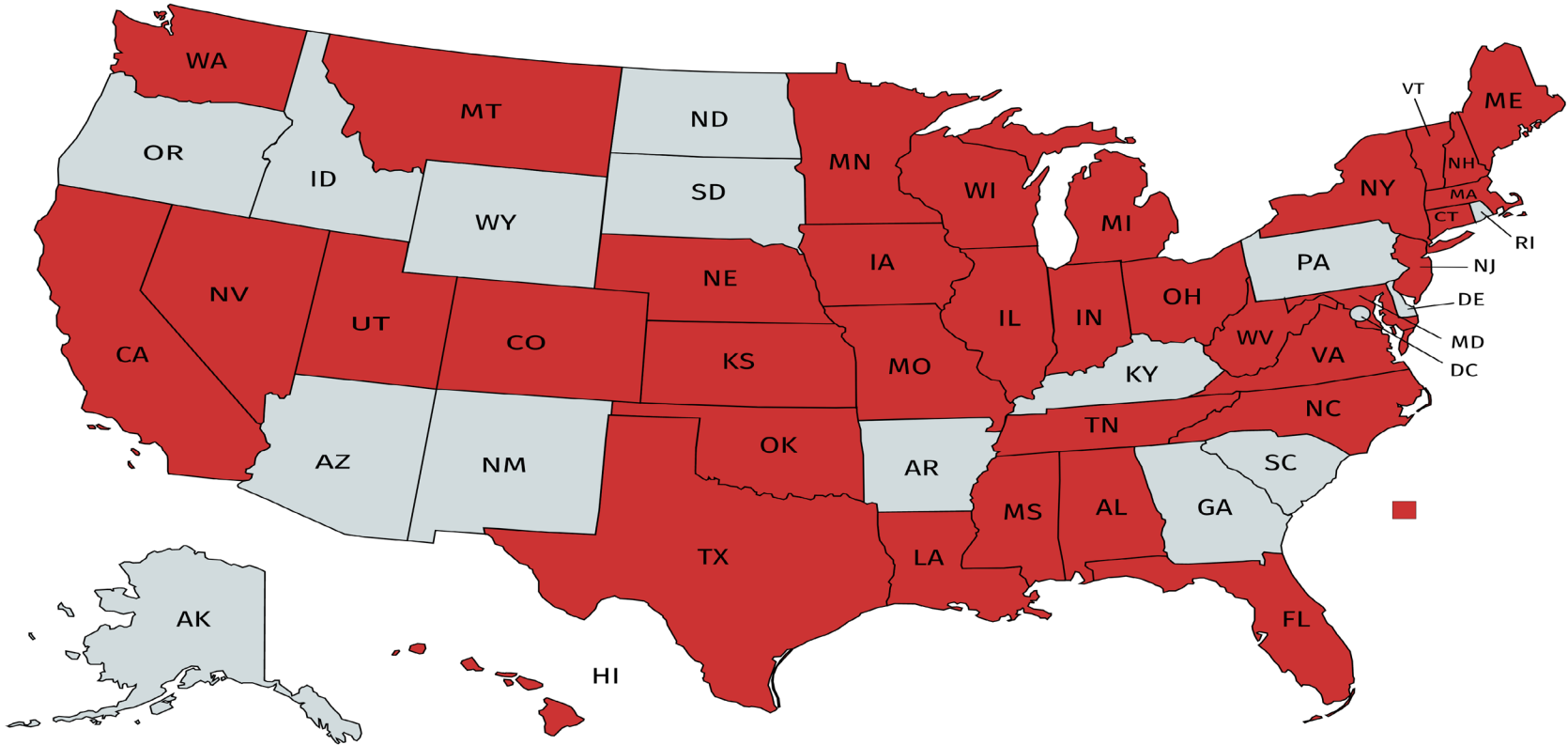
REAL. FAIR. ACCURATE.

U.S. Supreme Court to let stand \$28.1 million judgement against Gage County in Beatrice Six Case



National Landscape

35 states + Federal Government + District of Columbia



Key Elements of Strong Compensation Laws

1. **Fixed payment of at least \$50,000 per year of wrongful incarceration**

18 States + Federal Gov't + District of Columbia

2. **Reasonable eligibility requirements:**

- a) Affirmative proof person did not commit the crime, or act as accomplice or accessory.
- b) Conviction reversed or vacated, & charges dismissed, or person found not guilty upon re-trial OR pardon based on innocence.
- c) Burden of proof is preponderance of evidence

3. **Courts adjudicate claims:** *22 states + Federal Gov't + D.C.*

4. **Offset with Civil Lawsuit Payments.** *5 states*

Kansas & Nevada Laws

- **Process**: File civil claim in district court.
- **Eligibility**: Preponderance of evidence.
- **Monetary Benefits**:

Kansas	Nevada
\$65,000/yr	1-10 yrs= \$50,000/yr
	11-20 yrs= \$70,000/yr
	>20 yrs= \$100,000/yr

- **Non-Monetary Benefits**: Tuition, health care, counseling, financial literacy, housing.
- **Certificate of Innocence & Expungement**.
- **Civil Payment Offset Provision**.
- **Paid for by State Tort Claims Fund**.

Compensation Funding Sources

State Tort Claims Fund (*7 states*) KS, MS, NE, NJ, NV, NY, OK

Risk Management Fund (*2 states*) TN, WA

Legislative Appropriation (*16 states*) AL, CA, CO, CT, FL, HI, IA, IL, LA, MA, ME, MN, MO, TX, VA, WV

Exoneree Compensation Fund IN, MI.

State Emergency Fund (*3 states*) MD, NC, OH

State Treasury (*3 states*) NH, VT, WI

Crime Victims Fund & Commission on Criminal Justice (*1 state*): UT

What to Avoid

- **Insufficient Amount.**
- **Overly Restrictive Eligibility Requirements.**
- **Unreasonable Deadlines.**
- **Unworkable Funding Structure.**