

COMPENSATION STATUTES: A NATIONAL OVERVIEW

35 states + Federal government + Washington, DC have laws to compensate the wrongfully convicted AL, CA, CO, CT, FL, HI, IA, IL, IN, KS, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, NE, NH, NJ, NV, NY, OH, OK, TN, TX, UT, VA, VT, WA, WI, WV.

I. Monetary Compensation: 18 states + Federal+ D.C. provide at least \$50,000 per year of wrongful incarceration.

A. More than \$50,000= 8 States +D.C.

- Washington, DC- \$200,000
- NV- 1-10 years= \$50,000/yr; 10-20 years= \$75,000/yr ; 20 or more years = \$100,000/yr
- TX- \$80,000
- CO- \$70,000
- KS-\$65,000
- OH- \$52,625.18
- CA- \$51,110
- CT- \$49,314-\$131,506
- VT- \$30,000-\$60,000

B. \$50,000= 10 States AL, FL, HI, IN, MI, MN, MS, NJ, NC, WA

C. Less than \$50,000/yr. 7 states IL, IA, LA, MO, VA, UT, WI

D. No Annual Amount= 9 States MA, MD, ME, NE, NH, NY, OK, TN, WV

II. Additional Compensation for Years on Death Row and/or Post-Release Supervision:

4 states +Federal Government

- **Federal:** Additional \$100,000 per year on death row.
- **CO:** \$50,000 additional compensation per year on death row; \$25,000 per year on parole, probation or sex offender registry.
- **MN:** \$25,000 per year on parole, probation or sex offender registry.
- **WA:** \$50,000 additional per year on death row, \$25,000 per year on parole, probation, sex offender registry.
- **KS:** \$25,000 per year for each additional year served on parole, post-release supervision or on sex offender registry.

III. Funding Source

A. State Tort Claims/Risk Management Fund (9 states) KS, MS, NE, NJ, NV, NY, OK, TN, WA

- B. **Legislature Makes Appropriation** (*16 states*) AL, CA, CO, CT, FL, HI, IA, IL, LA, MA, ME, MN, MO, TX, VA, WV
- C. **Exoneree Compensation Fund** (Appropriated by Legislature/*2 states*): IN, MI.
- D. **Emergency Fund** (*3 states*): MD (or appropriated by Gov), NC, OH
- E. **State Treasury** (*3 states*): NH, VT, WI
- F. **Crime Victims Fund & Commission on Criminal Justice** (*1 state*): UT

IV. How States Issue Payments

- A. **Not specified:** *15 states* =CA, CT, HI, IA, IL, ME, MN, NC, NE, NH, NV, NY, OK, VT, WI FEDERAL
- B. **Lump Sum Only:** *2 states+ D.C.* =OH, WV
- C. **Option for Lump Sum or Installments/Annuities:** *10 states* AL, CO, KS, MA, MI, MD, NJ, WA, TN, TX
- D. **Installments/Annuities Only** *7 states:* FL, IN, LA, MO, MS, UT, VA

V. Non-Monetary Services *19 states.*

- A. **Tuition assistance:** *14 states* (CO, CT, FL, KS, LA, MA, MN, MT, NC, NJ, NV, TX, VA, VT)
- B. **Medical expenses:** *8 states* (CA, IL, KS, MN, NJ, NV, TX, VT)
- C. **Job search assistance:** *6 states* (CA, CT, IL, NC, NJ, TX)
- D. **Housing assistance:** *3 states* (CA, KS, NJ)
- E. **Counseling services:** *11 states:* (CA, CT, IN, KS, MA, NJ, NV, TX, VA, VT, WA)
- F. **Re-entry services:** *7 states:* (CA, CT, IL, IN, NV, TX)
- G. **Immediate assistance upon exoneration:** *1 state* (CA)

State	Statute	Eligibility	Who determines eligibility?	Annual Amount \$	Funding Source	Additional \$ for death row, parole, probation, sex offender registry	Civil Litigation Offset or Bars?
AL	<i>Ala. Code 1975 § 29-2-150, et seq. ENACTED 2001</i>	Conviction vacated or reversed and the charges dismissed on grounds consistent with innocence. There is no definition of "innocence" in the statute or AL case law.	State Division of Risk Management determines eligibility.	\$50,000 per year	Legislature makes appropriation from General Fund on a case-by-case basis. Legislative Committee on Compensation for Wrongful Convictions certifies the payments.	No	Not specified
CA	Cal Penal Code §§ 4900 to 4906; § Amended 2000; 2006; 2009; 2013; 2015; 2017; 2018	The claimant shall prove the facts set forth in the statement constituting the claim, including the fact that the crime with which he or she was charged was either not committed at all, or, if committed, was not committed by him or her, and the pecuniary injury sustained by him or her through his or her erroneous conviction and imprisonment.	California Victim Compensation Fund determines eligibility, AG issues a recommendation.	\$51,110 per year (\$140 per day)	Legislature makes appropriation from General Fund on a case-by-case basis. The California Victim Compensation Board recommends that the legislature make an appropriation for the purpose of indemnifying the claimant for the injury.	No	Not specified
CO	C.R.S.A. § 13-65-101, et seq.; ENACTED 2013	Exonerated and found to be actually innocent. (1)(a) "Actual innocence" means a finding by clear and convincing evidence by a district court that 1) His or her conviction was the result of a miscarriage of justice; 2) He or she presented reliable evidence that he or she was factually innocent of any participation in the crime at issue, 3) He or she did not solicit that commission of the crime at issue or any crime factually related to the crime at issue; 4) He or she did not conspire to commit the crime at issue or any crime factually related to the crime at issue; 5) He or she did not act as a complicit or in the commission of the crime at issue or any crime factually related to the crime at issue.	District court determines eligibility.	\$70,000 per year	Legislature makes appropriation from General Fund on a case-by-case basis after initial appropriation.	\$50,000 for each year on death row	Civil offset.

State	Statute	Eligibility	Who determines eligibility?	Annual Amount \$	Funding Source	Additional \$ for death row, parole, probation, sex offender registry	Civil Litigation Offset or Bars?
CT	CT ST 54-102uu ENACTED 2008; 2016	(a) A person is eligible to receive compensation for wrongful incarceration if: (A) the complaint or information dismissed on grounds of innocence, or (B) the complaint or information dismissed on a ground citing an act or omission that constitutes malfeasance or other serious misconduct by any officer, agent, employee or official of the state that contributed to such person's arrest, prosecution, conviction or incarceration.	Claims Commissioner decides if the amount does not exceed 20K. If the amount exceeds 20K, the Claims Commissioner makes a recommendation and General Assembly must approve or can change the compensation award.	\$74,168. - \$148,336	Legislature makes appropriation from General Fund on a case-by-case basis. The Office of the Claims Commissioner recommends an award. The Claims Commission shall order immediate payment unless it is over \$20,000, in which case the General Assembly must confirm, deny or modify such claim.	No	Bars
DC	DC ST § 2-421, et seq.; ENACTED 1981; 2017	(a) Any person bringing suit under § 2-421(1) must allege and prove the following: The conviction for the offense has been reversed or set aside by the Superior Court of the District of Columbia ("Superior Court") on the stated ground of innocence and unjust conviction; The person has obtained a certificate of innocence from the Superior Court; and based upon clear and convincing evidence, the person did not commit any of the acts charged or the person's acts or omissions in connection with such charge constituted no offense against the United States or the District of Columbia the maximum penalty for which would equal or exceed the imprisonment served and the person did not, by his or her misconduct, cause or bring about his or her own prosecution.	US District Court determines eligibility. The Director of the Office of Victim Services and Justice Grants pays.	\$200,000 per year	Tort Claims Fund.	\$40,000 for each year served on parole, probation, supervised release, or as a registered sex offender,	Not specified

State	Statute	Eligibility	Who determines eligibility?	Annual Amount \$	Funding Source	Additional \$ for death row, parole, probation, sex offender registry	Civil Litigation Offset or Bars?
FL	FL ST 961.01, ENACTED 2008; many amendments, last in 2013, 2014 (HB 227), and 2017 (HB 393)	Clear and convincing evidence that the person did not commit the act or offense that served as the basis for the conviction and incarceration and that the person did not aid, abet, or act as an accomplice or accessory to a person who committed the act or offense.	Original sentencing court if prosecutor certifies actual innocence. If prosecutor contests actual innocence, original sentencing court makes a recommendation and sends the case to an administrative judge for a determination.	\$50,000 per year	Continuing Appropriation from General Revenue Fund	No	Bars
HI	HRS § 661B-1 ENACTED 2016	Preponderance of evidence the judgement of conviction was reversed or vacated because the petitioner was actually innocent, or was granted a pardon based on actual innocence. The judgment of conviction was reversed or vacated because the petitioner was actually innocent of the crimes for which the petitioner was convicted, and the court decision so states; or (2) The petitioner was pardoned because the petitioner was actually innocent of the crimes for which the petitioner was convicted and the pardon so states. "Actual Innocence" not defined.	Circuit court where petitioner lives or the circuit court for the first circuit (if petitioner lives out of state).	\$50,000 per year	Statute says "the state" without specifying which entity.	No	Not specified
IA	Iowa Code Ann. § 663A.1 ENACTED 1997	Conviction vacated or reversed and charges dismissed, and no further proceedings can be or will be held against the individual on any facts and circumstances alleged in the proceedings which had resulted in the conviction. "Innocence" supporting wrongful imprisonment claim can be shown by clear and convincing proof that the individual did not commit the acts or that the acts in question did not constitute a crime.	District Court determines eligibility; State Appeal Board or Civil Ct. awards Compensation.	\$18,250 per year	Legislature makes appropriation thru General Fund.	No	Not specified

State	Statute	Eligibility	Who determines eligibility?	Annual Amount \$	Funding Source	Additional \$ for death row, parole, probation, sex offender registry	Civil Litigation Offset or Bars?
IL	Ill Rev Stat ch. 705 § 505/1, et. Seq. ENACTED 1945 ; many amendments, last in 2009, and 2011 (SB 389)	Certificate of innocence from circuit court or gubernatorial pardon based on innocence. In order to obtain a certificate of innocence the petitioner must prove by a preponderance of evidence that:(1) the petitioner was convicted of one or more felonies by the State of Illinois and subsequently sentenced to a term of imprisonment, and has served all or any part of the sentence; (2)(A) the judgment of conviction was reversed or vacated, and the indictment or information dismissed or, if a new trial was ordered, either the petitioner was found not guilty at the new trial or the petitioner was not retried and the indictment or information dismissed; or (B) the statute, or application thereof, on which the indictment or information was based violated the Constitution of the United States or the State of Illinois; (3) the petitioner is innocent of the offenses charged in the indictment or information or his or her acts or omissions charged in the indictment or information did not constitute a felony or misdemeanor against the State; and (4) the petitioner did not by his or her own conduct voluntarily cause or bring about his or her conviction.	Circuit Court determines eligibility; Court of Claims pays.	Less than 5 yrs=\$85,350 max (\$17,070 per year); 5-14 years=\$170,000 max; 14+ years=\$199,150 max	Legislature makes appropriation from General Fund on a case-by-case basis. Payment is contingent on legislative approval, which can be denied	No	Not specified

State	Statute	Eligibility	Who determines eligibility?	Annual Amount \$	Funding Source	Additional \$ for death row, parole, probation, sex offender registry	Civil Litigation Offset or Bars?
IN	HB 1150 ENACTED 2019	To be eligible, an exoneree must meet the following criteria: (1) sentenced to the department of correction or a county jail as the result of a criminal conviction; (2) who is pardoned by the governor, or whose conviction is vacated, reversed, or set aside; (3) who is actually innocent.	Indiana Criminal Justice Institute determines eligibility and pays.	\$50,000 per year	Legislature makes appropriation to Exoneration Fund, which is administered by Criminal Justice Institute, subject to legislature making appropriation.	No.	Civil bar
KS	KS ST 60-5004 ENACTED 2018	Preponderance of evidence: (A) The claimant was convicted of a felony crime and subsequently imprisoned; (B) the claimant's judgment of conviction was reversed or vacated and either the charges were dismissed or on retrial the claimant was found to be not guilty; (C) the claimant did not commit the crime or crimes for which the claimant was convicted and was not an accessory or accomplice to the acts that were the basis of the conviction and resulted in a reversal or vacation of the judgment of conviction, dismissal of the charges or finding of not guilty on retrial; and (D) the claimant did not commit or suborn perjury, fabricate evidence, or by the claimant's own conduct cause or bring about the conviction. Neither a confession nor admission later found to be false or a guilty plea shall constitute committing or suborning perjury, fabricating evidence or causing or bringing about the conviction under this subsection.	District Court. File claim in district court, mirrors rules of civil procedure.	\$65,000 per year	State Tort Claims Fund. "There is hereby established in the state treasury the tort claims fund which shall be administered by the attorney general."	\$25,000 for each additional year served on parole or post release supervision or each additional year the claimant was re-quired to register as an offender under the Kansas offender registration act, whichever is greater	Civil offset.

State	Statute	Eligibility	Who determines eligibility?	Annual Amount \$	Funding Source	Additional \$ for death row, parole, probation, sex offender registry	Civil Litigation Offset or Bars?
LA	R.S.15:572.8 and Code Civ. Pro. Art. 87 ENACTED 2005 ; amended 2011, 2019.	(1) A petitioner is entitled to compensation in accordance with this Section if he has served in whole or in part a sentence of imprisonment under the laws of this state for a crime for which he was convicted; (2) The conviction of the petitioner has been reversed or vacated; and (3) The petitioner has proven by clear and convincing scientific or non-scientific evidence that he is factually innocent of the crime for which he was convicted. B. For the purposes of this Section, "factual innocence" means that the petitioner did not commit the crime for which he was convicted and incarcerated nor did he commit any crime based upon the same set of facts used in his original conviction.	19th Judicial District Court - trial by judge alone. The State Treasury issues payment via the Innocence Compensation Fund	\$25,000 per year	Legislature makes appropriation from General Fund on a case-by-case basis.	No	Not specified
MA	Ann L. MA. Gen'l Laws, Chapter 258D § 1-9 ENACTED 2004 ; Amended 2018	A full pardon pursuant to section 152 of chapter 127, if the governor expressly states in writing his belief in the individual's innocence, or (ii) those who have been granted judicial relief by a state court of competent jurisdiction, on grounds which tend to establish the innocence of the individual as set forth in clause (vi) of subsection (C), meaning " he did not commit the crimes or crime charged in the indictment or complaint or any other felony arising out of or reasonably connected to the facts supporting the indictment or complaint, or any lesser included felony;"	Superior Court in the county where the claimant was convicted or in Suffolk County. Claims are paid by the Commonwealth.	No annual amount	Legislature makes appropriation from General Fund.	No	Not specified
MD	Md State Fin & Proc § 10-501; ENACTED 1999 ; amended 2003; 2017	"Conviction in error." Governor pardon stating that the individual's conviction has been shown conclusively to be in error or state's attorney certifies the conviction has been in error.	Board of Public Works	No annual amount	General Emergency Fund or money that the Governor provides in the annual budget	No	Not specified

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ME	14 Me Rev Stat Ann § 8241-8244 ENACTED 1993	Governor who grants the pardon issues finding that the person is innocent of the crime for which that person was convicted; and the court finds that the person is innocent of the crime for which the person was convicted.	Governor issues innocence pardon. Superior Court decides eligibility; Claims paid by General Fund.	No annual amount	Legislature appropriates funding.	No	Not specified
MI	M.C.L.A. 691.1753; M.C.L.A. § 206.30 ENACTED 2016 ; amended 2018	New evidence demonstrates that the plaintiff was not the perpetrator of the crime or crimes and was not an accessory or accomplice to the acts that were the basis of the conviction and resulted in a reversal or vacation of the judgment of conviction, dismissal of the charges, finding of not guilty, or gubernatorial pardon.	Court of Claims determines eligibility. The Treasury pays via the Wrongful Imprisonment Compensation Fund.	\$50,000 per year	Legislature appropriates funding to the Wrongful Imprisonment Compensation Fund	No	Explicitly permits federal lawsuits.
MN	M.S.A. § 590.11 & § 611.362, et seq. ENACTED 2014 ; amended 2019	Court reversed or vacated judgement on grounds consistent with innocence, meaning there is any evidence of factual innocence whether it was available at the time of investigation or trial or is newly discovered evidence .	District Court determines eligibility; Compensation Panel determines final amount and legislature appropriates funds ;	\$50,000 per year	Legislature appropriates funding through state budget on a case-by-case basis.	Minimum of \$25,000 (\$50,000 max.) per year served on parole, probation, or as a registered sex offender as compensation.	Not specified
MO	V.A.M.S. 650.058; ENACTED 2006	Person must be determined to be ‘actually innocent,’ meaning that: DNA testing demonstrates a person's innocence of the crime.	Original sentencing court.	\$18,250 per year	Legislature appropriate funding on case-by-case basis. The Department of Corrections determines the aggregate amount of restitution owed during a fiscal year and is appropriated money by the legislature for wrongful conviction restitution.	No	Bars

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MS	MS ST § 11-44-1, et seq. ENACTED 2009	In order to present an actionable claim for wrongful conviction and imprisonment under this section, a claimant must establish by documentary evidence that: (a) On grounds not inconsistent with innocence either through a pardon or the judgment of conviction was vacated and/or reversed; (b) If there was a vacatur or reversal, either the accusatory instrument was dismissed or not processed; or if a new trial was held, the defendant was found not guilty; (c) The claimant's claim is not time-barred by the provisions of this act; and (d) The claimant did not intentionally waive any appellate or post-conviction remedy otherwise available in order to benefit under this Chapter.	Circuit court of the county in which the claimant was convicted.	\$50,000 per year	State Tort Claims Fund , which is overseen by the Tort Claims Board and administered by the Department of Finance and Administration. The fund is financed by monies paid to the Board by governmental entities participating in plans of self-insurance or liability insurance:	No	Civil bar
MT	Mont. Code Ann. § 53-1-214 ENACTED 2003	A person who was convicted in this state of a felony offense, who was incarcerated in a state prison for any period of time, and whose judgment of conviction was overturned by a court based on the results of postconviction forensic DNA testing that exonerates the person of the crime for which the person was convicted is entitled to receive educational aid at the state's expense.	Funds to be appropriated by the legislature	No monetary	N/A	No	Not specified
NC	NC Gen Stat §§ 148-82 to 148-84 ENACTED 1947; amd.2008	Governor pardon or Innocence Commission finding of innocence.	Innocence Commission.	\$50,000 per year	Contingency and Emergency Fund.	No	Not specified
NE	NE ST 29-4601, et seq. ENACTED 2009	In order to recover under the Nebraska Claims for Wrongful Conviction and Imprisonment Act, the claimant shall prove by clear and convincing evidence: that he or she was innocent of the crime or crimes.	State Claims Board	No annual amount.	State Tort Claims Fund.	No	Permitted

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NH	NH Stat § 541-B:14 ENACTED 1977	Allows the claimant to choose either an administrative or judicial remedy, does not have a statutory scheme setting forth elements of a wrongful conviction claim. The limitation of damages provision in N.H. Rev. Stat. § 541-B:14 merely recognizes the existence of an action against the state "for time unjustly served in the state prison when a person is found to be innocent of the crime for which he was convicted.	State Claims Board	No annual amount;	State Treasury	No	Not specified
NJ	NJ Stat Ann §§ 52:4C-1 to 4C-7 ENACTED 2013	The claimant must establish "by clear and convincing evidence" that: they did not commit the crime they were convicted of; that they did not commit or suborn perjury, fabricate evidence, or by their own conduct cause or bring about their conviction (excludes false confessions & admissions); and that they did not plead guilty to the crime.	The Superior Court decides eligibility.	\$50,000 per year.	State Tort Claims Fund.	No	Civil offset.

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NV	AB 267; ENACTED 2019	(A) He or she did not commit the felony for which he or she was convicted and the person: (1) Was not an accessory or accomplice to the acts that were the basis of the conviction; (2) Did not commit the acts that were the basis of the conviction; and (3) Did not aid, abet or act as an accomplice or accessory to a person who committed the acts that were the basis of the conviction; (B) He or she was not convicted of an offense necessarily included in the offense charged; (C) The basis for reversing or vacating the judgment of conviction was not legal error that was unrelated to his or her innocence, and if a court ordered a new trial, the person was found not guilty at the new trial or the person was not retried and the charging document was dismissed; or the person was pardoned by the State Board of Pardons Commissioners on the grounds that he or she was innocent; and the person did not commit perjury or fabricate evidence at the criminal proceeding that brought about his or her felony conviction and the person did not by his or her own conduct cause or bring about his or her felony conviction.	The district courts determines eligibility; State Board of Examiners pays.	If imprisoned 1-10 years= \$50,000 per year of wrongful incarceration; 10-20 years= \$75,000 per year of wrongful incarceration; 20 or more years = \$100,000 per year of wrongful conviction	State tort claims fund. Payments are made through the state's Reserve for Statutory Contingency Account, which is a fund used to pay certain claims against the state.	No less than \$25,000 for each year the person was on parole or not less than \$25,000 for each year the person was required to register as a sex offender, whichever period of time was greater	Civil offset.

State	Statute	Eligibility	Who determines eligibility?	Annual Amount \$	Funding Source	Additional \$ for death row, parole, probation, sex offender registry	Civil Litigation Offset or Bars?
NY	NY Ct. of Claims Act § 8-b ENACTED 2007	Clear and convincing evidence that: (i) he has been pardoned upon the ground of innocence of the crime or crimes for which he was sentenced and which are the grounds for the complaint; or (ii) his judgment of conviction was reversed or vacated, and the accusatory instrument dismissed or, if a new trial was ordered, either he was found not guilty at the new trial or he was not retried and the accusatory instrument dismissed; provided that the judgement of conviction was reversed or vacated, and the accusatory instrument was dismissed,. (iii) he did not commit any of the acts charged in the accusatory instrument or his acts or omissions charged in the accusatory instrument did not constitute a felony or misdemeanor against the state; and (iv) he did not by his own conduct cause or bring about his conviction.	The Court of Claims determines eligibility and pays the claim.	None	State Tort Claims Fund. The state appropriates funds into a special account for the payment of settlements from the Court of Claims.	No	Not specified

State	Statute	Eligibility	Who determines eligibility?	Annual Amount \$	Funding Source	Additional \$ for death row, parole, probation, sex offender registry	Civil Litigation Offset or Bars?
OH	Ohio Rev Code Ann § 2305.02 & § 2743.48 ENACTED 2010 ; amended 2019	1. Charged with a felony or misdemeanor. 2. Did not plead guilty. 3. Sentenced to term of imprisonment, 4. Conviction vacated, dismissed, reversed on appeal; no criminal proceeding is pending for any act associated with that conviction; the prosecuting attorney has not sought any further appeal within one year after the date of vacating, dismissal or reversal: the prosecutor within one year of vacating, dismissal or reversal has not brought a criminal proceeding against the individual for any act associated with the conviction 5. Brady violation or it was determined by the court of common pleas in the county where the underlying criminal action was initiated either that the offense of which the individual was found guilty, including all lesser-included offenses, was not committed by the individual or that no offense was committed by any person.	Court of Common Pleas for eligibility. Court of Claims awards damages	\$ 52, 625.18 per year (2017 Ohio Court of Claims)	Court of Claims orders payments. Legislative committee called the Ohio's Controlling Board pays on case-by-case basis thru emergency purposes account.	No	Civil offset.

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OK	51 Okl. St. § 154 ENACTED 2003	(a) Clear and convincing evidence that the offense for which the individual was convicted, sentenced and imprisoned, including any lesser included offenses, was not committed by the individual a. the individual was charged, by indictment or information, with the commission of a public offense classified as a felony, b. the individual did not plead guilty to the offense charged, or to any lesser included offense, but was convicted of the offense, c. the individual was sentenced to incarceration for a term of imprisonment as a result of the conviction, d. the individual was imprisoned solely on the basis of the conviction for the offense, and e. in the case of a pardon, a determination was made by either the Pardon and Parole Board or the Governor that the offense for which the individual was convicted, sentenced and imprisoned, including any lesser offenses, was not committed by the individual.	State Civil Court	No annual amount. \$175,000 cap	State Tort Claims Fund. The wrongful conviction compensation provision of the Governmental Tort Claims Act directs exonerees to file claims against the state for damages, under the Act.		No bar
TN	Tenn Code Ann §9-8-108 ENACTED 1984 , and. 2004; 2010; 2012; 2013	a) After consideration of the facts, circumstances and any newly discovered evidence in a particular case, the governor may grant exoneration to any person whom the governor finds did not commit the crime for which the person was convicted.	Governor decides if person is granted exoneration, board of claims pays.	No annual amount. \$1 m cap	Risk management fund , which is housed within the Department of Treasury.	No	Not specified

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TX	Tex Code Ann §§ 103.001;103.051; 052, 103.1041. ENACTED 2001 ; amended 2011	(A) has received a full pardon on the basis of innocence for the crime for which the person was sentenced;(B) has been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of the crime for which the person was sentenced; or (C) Writ of habeas granted by district court and charge dismissed and state's attorney agrees to actual innocence. Texas Court of Criminal Appeals must approve 'actual innocence' finding. Actual innocence means clear and convincing evidence that, despite the evidence of guilt that supports the conviction, no reasonable juror could have found the applicant guilty in light of the new evidence.	Texas Court of Criminal Appeals (CCA) must determine if the person is "actually innocent." Comptroller's Judiciary Section pays the claim.	\$80,000 per year, plus an annuity;	Legislature makes appropriation on case-by-case basis. The comptroller shall provide a list of claimants entitled to payment and the amounts due for each claimant to the governor, the lieutenant governor, and the chair of the appropriate committee in each chamber of the legislature, so that the legislature may appropriate the amount needed to pay each claimant and the amount to be paid to the state disbursement unit (for reimbursement of child support payments) on the claimant's behalf.	\$25,000 per year on parole, sex offender registry,	Bars

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US (Fed)	28 USC § 1495 & § 2513 ENACTED 2004	A person must allege and prove that: He did not commit any of the acts charged or his acts, deeds, or omissions in connection with such charge constituted no offense against the United States, or any State, Territory or the District of Columbia (1) His conviction has been reversed or set aside on the ground that he is not guilty of the offense of which he was convicted, or on new trial or rehearing he was found not guilty of such offense, as appears from the record or certificate of the court setting aside or reversing such conviction, or that he has been pardoned upon the stated ground of innocence and unjust conviction and (2) He did not commit any of the acts charged or his acts, deeds, or omissions in connection with such charge constituted no offense against the United States, or any State, Territory or the District of Columbia, and he did not by misconduct or neglect cause or bring about his own prosecution.	U.S. Court of Federal Claims; US Comptroller pays.	\$50,000 per year;	General appropriation. Under the United States Court of Federal Claims Procedure, claims against the U.S. "shall be paid out of any general appropriation therefor, on presentation to the Secretary of the Treasury of a certification of the judgment by the clerk and chief judge of the court."	\$100,000 per year for each year on death row	Not specified
UT	UT ST § 78B-9-401 et. Seq ENACTED 2008 ; amended 2011, 2012	Factual innocence means that newly discovered evidence exists that would establish the person did not (a) engage in the conduct for which the person was convicted; (b) engage in conduct relating to any lesser included offenses of the crime for which the person was convicted; or (c) commit any other felony arising out of or reasonably connected to the facts supporting the indictment or information upon which the person was convicted. The evidence cannot be merely cumulative or impeaching and viewed with all other evidence establishes factual innocence.	The district court where conviction was rendered decides eligibility .	\$45,732 per year (Average non-agricultural wage in 2017). \$685,980 cap (15 yrs max)	Crime Victims Fund & Commission on Criminal and Juvenile Justice.	No	Not specified

State	Statute	Eligibility	Who determines eligibility?	Annual Amount \$	Funding Source	Additional \$ for death row, parole, probation, sex offender registry	Civil Litigation Offset or Bars?
VA	8.01-195.10, et seq. ENACTED 2004; a2010, 2012, 2014	Issuance of writ of actual innocence based on biological evidence or non-biological evidence. Writ of actual innocence is granted based on court find by preponderance of evidence that previously unknown or unavailable evidence is material and, when considered with all of the other evidence in the current record, will prove that no rational trier of fact would have found proof of guilt or delinquency beyond a reasonable doubt.	General Assembly	\$48,819.60 per year (90% of the VA per capita personal income—for each year of incarceration, which was \$54,244 in 2017)	Legislature makes appropriation from General Fund on a case-by-case basis. There is no entitlement to compensation. Payment is contingent on legislative approval, which can be denied (<i>Source: Jeffrey S. Gutman, An Empirical Reexamination of State Statutory Compensation for the Wrongly Convicted, 82 MO. L. REV. (2017)</i>)	No	Bars
VT	13 V.S.A Chptr. 182; ENACTED 2007 ; amended 2014	The conviction was reversed or vacated and the charges dismissed, or tried to an acquittal, or a pardon was granted. The complainant is actually innocent of the felony or felonies that are the basis for the claim. As used in this chapter, a person is “actually innocent” of a felony or felonies if he or she did not engage in any illegal conduct alleged in the charging documents for which he or she was charged, convicted, and imprisoned.	Washington County Supreme Court	\$30,000-\$60,000 per year (determined by judge)	State Treasury Fund. (a) Any award made or compromise or settlement against the state of Vermont agreed upon by the attorney general in response to an action brought under this subchapter shall be paid by the state treasurer out of the treasury, and the emergency board shall reimburse the state treasurer therefor from time to time. (b) If the state elects to self-insure for liability as defined in section 5601 of Title 12, any award, compromise, or settlement against the state of Vermont agreed to by the attorney general shall be paid by the treasurer from the liability self-insurance fund.	No	Not specified

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WA	RCWA §4.100.010, et seq; ENACTED 2013	(i) The claimant has been pardoned on grounds consistent with innocence for the felony or felonies that are the basis for the claim; or (ii) The claimant's judgment of conviction was reversed or vacated and the charging document dismissed on the basis of significant new exculpatory information or, if a new trial was ordered pursuant to the presentation of significant new exculpatory information, either the claimant was found not guilty at the new trial or the claimant was not retried and the charging document dismissed; (iii) The claimant did not engage in any illegal conduct alleged in the charging documents; and (iv) The claimant did not commit or suborn perjury, or fabricate evidence to cause or bring about the conviction. A guilty plea to a crime the claimant did not commit, or a confession that is later determined by a court to be false, does not automatically constitute perjury or fabricated evidence under this subsection.	Superior Court determines eligibility.	\$50,000 per year	Risk Management Fund. Payment of compensation claims is authorized by the Office of Risk Management, which directs payment from the state's liability account.	\$50,000 additional for each year on death row; \$25,000 for each year on parole, community custody or sex offender registry.	Bars
WI	Wis Stat § 775.05 ENACTED 1987	Evidence is clear and convincing that the petitioner was innocent of the crime for which he or she suffered imprisonment.	The Claims Board decides and pays.	\$5,000 per year; \$25,000 cap	The State Treasury.	No	Not specified

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WV	W Va Code § 14-2-13(a) ENACTED 1987 ; amended 2014	(A) The claimant has been arrested and confined, and charged by warrant, information, or any other accusatory instrument for one or more felonies or misdemeanors, and that the charges were dismissed against the claimant; when another person was subsequently charged, arrested, and convicted of the same felony or felonies, or misdemeanors, or; Another person was subsequently charged, arrested and convicted of the same felony or felonies or misdemeanors; (B) The claimant has been pardoned upon the ground of innocence of the crime or crimes for which the claimant was sentenced and which are the grounds for the complaint; or(C) The claimant's judgment of conviction was reversed or vacated, and the accusatory instrument dismissed or, if a new trial was ordered, either the claimant was found not guilty at the new trial or the claimant was not retried and the accusatory instrument dismissed; and (D) The claimant did not by his or her own conduct cause or bring about his or her conviction.	Circuit Court	No annual amount	Legislature appropriates on a case-by-case basis. The West Virginia Legislative Claims Commission makes a recommendation to the Legislature based upon its finding of a claim against the state.	No	Not specified