

# COMPENSATION FOR THE WRONGFULLY CONVICTED



People freed and exonerated after a wrongful conviction are not automatically entitled to compensation for what they've lost. This is true even though many wrongfully convicted people are released after decades of imprisonment, left to rebuild their lives from nothing. They must hire a lawyer, file a lawsuit, and go through significant hurdles to prove their innocence yet again in order to receive any compensation from the state. This process is burdensome, and even when they are successful, their compensation is limited by a cap that is often too low for what they have suffered. Since 2018, when the law was last amended, exonerees have spent, on average, 24.6 years wrongfully imprisoned.

**These bills aim to create a more fair and efficient process for wrongfully convicted people and provide just compensation for all they have endured.**

## WHAT DO THE BILLS DO?

	PROPOSED LEGISLATION	CURRENT LAW
Provides automatic, immediate assistance (\$5000) upon release from an erroneous felony conviction	✓	✗
Provides access to social service advocates	✓	✗
Grants preliminary financial assistance (\$15,000) to exonerees who file eligible complaints	✓	✗
Makes burden of proof same as for other civil litigants (preponderance of the evidence)	✓	✗
Removes cap on compensation to allow judgment to account for significant periods of incarceration	✓	✗
Allows judgment to include time under correctional control (probation/parole), not only incarceration	✓	✗
Clarifies that state services can be provided <i>on top of</i> any financial judgment	✓	✗
Provides for automatic fast track for litigation	✓	✗
Provides compensation to people who can prove their innocence even if conviction vacated on other grounds.	✓	✗

**Just compensation through a fair process is the *minimum* that the Commonwealth can do to address the harms suffered by a person who has been wrongfully convicted. These bills makes that possible.**