

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 2105**

Short Title: Compensation for Erroneously Convicted. (Public)

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Sponsors: Representatives Glazier, Ross, Blue, Harrison (Primary Sponsors);  
Alexander, Bell, Blackwood, Bryant, Church, Cleveland, Coleman,  
Faison, Goodwin, Luebke, Thomas, Wainwright, Weiss, and Wray.

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Referred to: Judiciary II, if favorable, Appropriations.

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May 15, 2008

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS  
2 ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED  
3 PARDONS OF INNOCENCE.  
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 148-84 reads as rewritten:

7 "**§ 148-84. Evidence; action by Industrial Commission; payment and amount of**  
8 **compensation.**

9 (a) At the hearing the claimant may introduce evidence in the form of affidavits  
10 or testimony to support the claim, and the Attorney General may introduce counter  
11 affidavits or testimony in refutation. If the Industrial Commission finds from the  
12 evidence that the claimant received a pardon of innocence for the reason that the crime  
13 was not committed at all, or was not committed by the claimant, and that the claimant  
14 was imprisoned and has been vindicated in connection with the alleged offense for  
15 which he or she was imprisoned, the Industrial Commission shall award to the claimant  
16 an amount equal to ~~twenty thousand dollars (\$20,000)~~ forty thousand dollars (\$40,000)  
17 for each year or the pro rata amount for the portion of each year of the imprisonment  
18 actually served, including any time spent awaiting ~~trial, but in trial.~~ trial. However, (i) in no  
19 event shall the compensation exceed a total amount of ~~five hundred thousand dollars~~  
20 ~~(\$500,000).~~ seven hundred fifty thousand dollars (\$750,000), and (ii) a claimant is not  
21 entitled to compensation for any portion of a prison sentence during which the claimant  
22 was also serving a concurrent sentence for conviction of a crime other than the one for  
23 which the pardon of innocence was granted.

24 The Director of the Budget shall pay the amount of the award to the claimant out of  
25 the Contingency and Emergency Fund, or out of any other available State funds. The  
26 Industrial Commission shall give written notice of its decision to all parties concerned.  
27 The determination of the Industrial Commission shall be subject to judicial review upon

1 appeal of the claimant or the State according to the provisions and procedures set forth  
2 in Article 31 of Chapter 143 of the General Statutes.

3 (b) Notwithstanding the amounts provided for in subsection (a) of this section,  
4 beginning July 1, 2009, the Industrial Commission shall annually adjust the amount  
5 awarded under this Article to reflect the increase, if any, in the Consumer Price Index  
6 For All Urban Consumers for the previous calendar year, as determined by the  
7 Department of Labor; however, no annual increase may exceed five percent (5%) of the  
8 existing amount. The actual amount awarded to an individual claimant shall be based  
9 upon the adjusted amount in effect on the date that the claimant files a petition with the  
10 Industrial Commission under this Article.

11 (c) In addition to the compensation provided under subsections (a) and (b) of this  
12 section, the Industrial Commission shall determine the extent to which incarceration has  
13 deprived a claimant of educational or training opportunities and, based upon those  
14 findings, may award the following compensation for loss of life opportunities:

15 (1) Job skills training for at least one year through an appropriate State  
16 program; and

17 (2) Expenses for tuition and fees at any community college or constituent  
18 institution of The University of North Carolina for any degree or  
19 program of the applicant's choice that is available from one or more of  
20 the applicable institutions. Claimants are also entitled to assistance in  
21 meeting any admission standards or criteria required at any of those  
22 institutions, including assistance in satisfying requirements for a  
23 certificate of equivalency of completion of secondary education. A  
24 claimant may apply for aid under this subdivision within 10 years of  
25 the claimant's release, and aid shall continue for up to a total of five  
26 years when initiated within the 10-year period, provided the claimant  
27 makes satisfactory progress in the courses or degree program in which  
28 the claimant is enrolled."

29 **SECTION 2.** This act is effective when it becomes law and applies to any  
30 person granted a pardon of innocence by the Governor on or after July 1, 2007.