



## RESTORING INNOCENCE

### The Need for Wisconsin to Adequately Compensate Wrongfully Convicted Individuals

*“Without such support, a wrongly convicted person might never be able to establish roots that would allow him to contribute to society. To help repair the lives that are shattered by wrongful convictions, the bill raises the Federal cap on compensation, and urges states to follow suit...It is the very least that Congress should do.”*

– Senate Judiciary Committee Report, Prior to Unanimously Passing 2004 Innocence Protection Act



Exoneration is just the beginning. Most wrongfully convicted individuals face great hardships upon release. They typically have few resources to draw upon when released, and their families have often incurred enormous attorneys’ fees related to their cases. While in prison, they miss out on educational opportunities, job training, and career advancement opportunities.

### CURRENT WISCONSIN LAW:

Insufficient monetary compensation

- Provides \$5,000 per year, which is the lowest in the country.
- Caps total awards at \$25,000, which is the second lowest in the country.
- Requires a lengthy and burdensome process to receive available compensation.

Lack of social services and support

- Offers no housing, employment, education, medical or counseling services.
- Does not establish a procedure to expunge criminal records.

Yearly Compensation for the Wrongfully Convicted	
State	Compensation Per Year
Texas	\$80,000
Utah	\$55,974
Virginia	\$51,911
Alabama	\$50,000
Florida	\$50,000
Mississippi	\$50,000
Federal	\$50,000
Ohio	\$40,330
California	\$36,500
Nebraska	\$25,000
New Jersey	\$20,000
Missouri	\$18,250
Louisiana	\$15,000
<b>WISCONSIN</b>	<b>\$5,000</b>

### National trends

- President George W Bush endorsed Innocence Project Act of 2004, which established compensation rates of \$50,000 per year of wrongful conviction
- Florida caps compensation at \$2 million, and reimburses exonerees for fines and court costs imposed at time of sentencing
- Texas provides for \$80,000 a year, 120 hrs tuition waiver for higher education classes, a case manager, reentry services, and assistance obtaining mental health, physical health, and dental care.

### PROPOSED CHANGES:

1. Increase in maximum compensation
2. Reimburse attorney and court fees
3. Provide social services and a caseworker to administer these services
4. Expunge criminal records, remove them from CCAP
5. Establish preponderance of the evidence burden of proof for exonerees
6. Make innocent individuals who were pressured to confess or plead guilty eligible for compensation
7. Provide public defender assistance for compensation claims
8. Provide efficient claims process through Division of Hearings and Appeals
9. Provide transitional financial assistance