

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number SB 271

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron Quayle

3. Committee Passed both houses

4. Title Compensation for wrongful incarceration

5. Summary/Purpose:

The proposed legislation establishes guidelines and conditions for the Commonwealth to reimburse persons for being wrongfully incarcerated for a felony offense. The bill explicitly states that its provisions are guidelines only and any actual compensation is contingent on General Assembly appropriation of funds and that no entitlement is created by the bill nor any requirement for the legislature to appropriate funds to compensate anyone.

Under the guidelines set out in the legislation, the compensation for a person wrongfully incarcerated would be equal to 90 percent of the Virginia per capita income for each year of incarceration, up to 20 years. Twenty percent of the compensation award would be paid in a lump sum payment, with the remaining 80 percent to be used to purchase an annuity to provide monthly payments over a period of 25 years. In addition, any person wrongfully incarcerated would be entitled to receive reimbursement for up to \$10,000 for tuition for career and technical training within the community college system.

6. Fiscal Impact Estimates are: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

The proposed legislation could result in additional funds being paid to persons wrongfully incarcerated, but it is not possible to realistically project how many persons would qualify for such awards or the amounts for which they would qualify. In addition, the legislation sets forth guidelines only and any General Assembly could choose to go above or below the amounts set forth in the bill.

9. Specific agency or political subdivisions affected: Department of the Treasury

10. Technical amendment necessary: None.

11. Other comments: Identical to HB 638

Date: 04/01/04 / rwh

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cc: Secretary of Finance