

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-195.10 of the Code of Virginia, relating to writ of actual*
3 *innocence; available after parole or pardon.*

4 [H 203]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-195.10 of the Code of Virginia is amended and reenacted as follows:**

8 § 8.01-195.10. Purpose; action by the General Assembly required; definitions.

9 A. The purpose of this article is to provide directions and guidelines for the compensation of persons
10 who have been wrongfully incarcerated in the Commonwealth. Compensation for wrongful incarceration
11 is governed by Article IV, Section 14 of the Constitution of Virginia, which prohibits the General
12 Assembly from granting relief in cases in which the courts or other tribunals may have jurisdiction and
13 any individual seeking payment of state funds for wrongful incarceration shall be deemed to have
14 waived all other claims. The payment and receipt of any compensation for wrongful incarceration shall
15 be contingent upon the General Assembly appropriating funds for that purpose. This article shall not
16 provide an entitlement to compensation for persons wrongfully incarcerated or require the General
17 Assembly to appropriate funds for the payment of such compensation. No estate of or personal
18 representative for a decedent shall be entitled to seek a claim for compensation for wrongful
19 incarceration.

20 B. As used in this article:

21 "Incarceration" or "incarcerated" means confinement in a local or regional correctional facility,
22 juvenile correctional center, state correctional facility, residential detention center, or facility operated
23 pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.).

24 "Wrongful incarceration" or "wrongfully incarcerated" means incarceration for a felony conviction for
25 which (i) the conviction has been vacated pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) *or* 19.3
26 (§ 19.2-327.10 et seq.) of Title 19.2, *or the person incarcerated has been granted an absolute pardon*
27 *for the commission of a crime that he did not commit*, (ii) the person incarcerated must have entered a
28 final plea of not guilty, or regardless of the plea, any person sentenced to death, or convicted of a Class
29 1 felony, a Class 2 felony, or any felony for which the maximum penalty is imprisonment for life, and
30 (iii) the person incarcerated did not by any act or omission on his part intentionally contribute to his
31 conviction for the felony for which he was incarcerated.