

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-195.11 of the Code of Virginia, relating to compensation for*
3 *wrongful incarceration.*

4 [S 655]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-195.11 of the Code of Virginia is amended and reenacted as follows:**

8 § 8.01-195.11. Compensation for wrongful incarceration.

9 A. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth
10 and is wrongfully incarcerated for such felony may be awarded compensation in an amount equal to 90
11 percent of the inflation adjusted Virginia per capita personal income as reported by the Bureau of
12 Economic Analysis of the United States Department of Commerce for each year *of incarceration*, or
13 portion thereof; ~~of incarceration up to 20 years.~~

14 B. Any compensation computed pursuant to subsection A and approved by the General Assembly
15 shall be paid by the Comptroller by his warrant on the State Treasurer in favor of the person found to
16 have been wrongfully incarcerated. The person wrongfully incarcerated shall be paid an initial lump sum
17 equal to 20 percent of the compensation award with the remaining 80 percent of the principal of the
18 compensation award to be used by the State Treasurer to purchase an annuity from any A+ rated
19 company, including any A+ rated company from which the State Lottery Department may purchase an
20 annuity, to provide equal monthly payments to such person for a period certain of 25 years commencing
21 no later than one year after the effective date of the appropriation. The annuity shall provide that it shall
22 not be sold, discounted, or used as securitization for loans and mortgages by the person awarded
23 compensation. The annuity shall, however, contain beneficiary provisions providing for the annuity's
24 continued disbursement in the event of the death of the person awarded compensation. All payments or
25 costs of annuities under this section shall be made by check issued by the State Treasurer on warrant of
26 the Comptroller.

27 C. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth
28 and is wrongfully incarcerated for such felony shall receive a transition assistance grant of \$15,000 to be
29 paid from the Criminal Fund, which amount shall be deducted from any award received pursuant to
30 subsection B. In addition, such person shall be entitled to receive reimbursement up to \$10,000 for
31 tuition for career and technical training within the Virginia community college system contingent upon
32 successful completion of the training. Reimbursement for tuition shall be provided by the community
33 college at which the career or technical training was completed.

ENROLLED

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