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HOUSE BILL NO. 1463

House Amendments in [] - February 2, 2023

A BILL for the relief of Michael Haas, relating to claims; compensation for wrongful incarceration.

Patron Prior to Engrossment—Delegate Ware

Referred to Committee on Appropriations

Whereas, Michael Haas (Mr. Haas) was convicted in the Circuit Court of Powhatan County on July 22, 1994, of the felony offenses of forcibly sodomizing his two sons, crimes that he did not commit; and

Whereas, Mr. Haas was sentenced to two terms of life imprisonment, to be served concurrently for such conviction; and

Whereas, Mr. Haas served 23 years and six months in the custody of the Virginia Department of Corrections; and

Whereas, Mr. Haas's sons testified at his trial that he sexually abused them on multiple occasions and forensic evidence presented at the time substantiated such claims; and

Whereas, both sons of Mr. Haas recanted their accusations of forcible sodomy shortly after the trial and conviction; and

Whereas, Mr. Haas began pursuing exoneration at that time; and

Whereas, Mr. Haas secured the assistance of the Mid-Atlantic Innocence Project beginning in 2014 to investigate his case; and

Whereas, Mr. Haas was released from prison on December 19, 2017, placed on parole, and was required to register as a sex offender; and

Whereas, the Mid-Atlantic Innocence Project obtained further recanting affidavits from Mr. Haas's sons and uncovered evidence that his sons were coerced to testify as to the forcible sodomy by their mother and their counselor, rendering their accusations and trial testimony unreliable; and

Whereas, in the time since Mr. Haas's conviction, advances in the field of sexual abuse pediatrics have developed; and

Whereas, under currently accepted sexual abuse pediatric standards, the physical examinations of Mr. Haas's sons evidenced no indicia of abuse; and

Whereas, Mr. Haas pursued a writ of actual innocence in the Virginia Court of Appeals on July 30, 2020; and

Whereas, former Attorney General Mark Herring and current Attorney General Jason Miyares both investigated Mr. Haas's case and determined that Mr. Haas is innocent of the crimes for which he was convicted, had been wrongfully convicted, and should be entitled to a writ of actual innocence; and

Whereas, the Virginia Court of Appeals granted Mr. Haas's petition and issued a writ of actual innocence based on nonbiological evidence, vacating his convictions on April 19, 2022, pursuant to Chapter 19.3 (§ 19.2-327.10 et seq.) of Title 19.2 of the Code of Virginia; and

Whereas, Mr. Haas, as a result of his wrongful incarceration, lost 23 years and six months of his freedom and countless life experiences and opportunities, including family relations, the opportunity to further his education, and the opportunity to earn potential income from gainful employment during his years of incarceration; and

Whereas, Mr. Haas has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. That there is hereby appropriated from the general fund of the state treasury the sum of [~~\$1,384,943~~ \$1,530,653] for the relief of Michael Haas, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Haas may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.

As Mr. Haas is older than 60 years of age, the compensation, subject to the execution of the release described herein, shall be paid in one lump sum of [~~\$1,384,943~~ \$1,530,653] by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release.

§ 2. That Mr. Haas shall receive a transition assistance grant of \$15,000 within 30 days of receipt of the written request for the disbursement of such transition assistance grant to the Executive Secretary of the Supreme Court of Virginia. Any amount paid to Mr. Haas as a transition assistance grant pursuant to subsection D of § 8.01-195.11 of the Code of Virginia shall be deducted from any award received

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59 *pursuant to § 1 of this act.*

60 *§ 3. That Mr. Haas shall be entitled to receive career and technical training within the Virginia*
61 *Community College System free of tuition charges, up to a maximum of \$10,000. The tuition benefit*
62 *shall be paid by the community college at which the career or technical training is provided. The tuition*
63 *benefit provided by this section shall expire on January 1, 2027.*

64 **2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation**
65 **awarded under this act.**