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HOUSE BILL NO. 1263

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations
on March 2, 2022)

(Patron Prior to Substitute—Delegate Hudson)

A BILL for the relief of Paul Jonas Crum, Jr., relating to claims; compensation for wrongful incarceration.

Whereas, Paul Jonas Crum, Jr., (Mr. Crum) spent more than five years in prison within the Virginia Department of Corrections for conduct that did not amount to a crime; and

Whereas, on December 16, 2014, Mr. Crum was arrested and charged with obstruction of justice pursuant to subsection C of § 18.2-460 of the Code of Virginia; and

Whereas, Mr. Crum, on the advice of his attorney, pleaded no contest to felony obstruction of justice in Dickenson County Circuit Court; and

Whereas, on December 17, 2015, Mr. Crum was sentenced to 10 years in prison on the charge of obstruction of justice; and

Whereas, on November 27, 2019, by unanimous decision, the Virginia Supreme Court granted Mr. Crum's habeas corpus petition, vacated his conviction, and held that he was denied the effective assistance of counsel because counsel advised Mr. Crum to plead no contest when his conduct did not meet the elements of the offense; and

Whereas, the Commonwealth agreed with Mr. Crum's petition that his actions did not violate the Code of Virginia; and

Whereas, Mr. Crum spent more than five years in prison as a result of his conviction for obstruction of justice; and

Whereas, Mr. Crum, as a result of his wrongful incarceration, lost more than five years 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. Crum is 62 years of age and suffering from cancer; and

Whereas, Mr. Crum 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 \$424,547.07 for the relief of Paul Jonas Crum, Jr., to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Crum may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.

The compensation, subject to the execution of the release described herein, shall be paid as a single lump sum to Mr. Crum by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release.

§ 2. Mr. Crum shall be entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed. The tuition benefit provided by this section shall expire on January 1, 2027.

§ 3. Any amount already paid to Mr. Crum as a transition assistance grant pursuant to subsection C of § 8.01-195.11 of the Code of Virginia shall be deducted from any award received pursuant to § 1 of this act.

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