



HB 2813: Erroneous convictions; compensation
Sponsor: Representative Powell

Overview

HB 2813 allows an individual who was erroneously convicted of a crime they did not commit to receive compensation for the years they spent wrongfully imprisoned.

Background

HB 2813 seeks to remedy the deprivation of liberty, financial opportunity, and livelihood from erroneous convictions by providing monetary compensation and mental health and educational services. This bill also provides victims with mental health services because of the trauma crime victims suffer when the legal system fails them. Thirty-nine states, the federal government, and DC provide compensation to individuals who have been erroneously convicted. Arizona is one of the last eleven states that do not have a compensation statute. Compensation acknowledges the long-lasting physical, mental, and emotional harm to the individual, their family, and the community caused by erroneous convictions.

Provisions

1. An individual is eligible to request compensation after being exonerated pursuant to the eligibility requirements in subsection A.
2. The individual has two years after the exoneration or the effective date of the bill to bring a claim. The responding agency is the Attorney General's Office, which has the burden of proving to the court that the individual is not entitled to compensation.
3. If the court grants the claim, the individual will be awarded 200% of the median household income for the state for each year they were incarcerated. However, the individual may request more compensation should they successfully present evidence of expenses or damages incurred due to their incarceration. Utah ([C78B-9-405](#)), Virginia ([§8.01-195.11](#)), and Connecticut ([§ 54-102uu](#)) similarly award compensation that is indexed to their state's median per capita income.
4. The compensation will be paid from the Department of Administration's Risk Management Revolving Fund within 45 days of the court order. The Bill provides that a compensation award is not considered income for state tax purposes.

5. In addition to the compensation award, the individual will be entitled to reimbursement for one year of mental health treatment, in-state post-secondary education and vocational or trade training, and up to four financial planning and literacy classes.
6. The compensation award will be offset by money received for the erroneous conviction from a civil judgement or settlement.
7. The erroneous conviction and arrest will be expunged and the records sealed.
8. If the court awards compensation, the victim is entitled to reimbursement for mental health treatment for one year after the court order from the Victim Compensation and Assistance Fund.