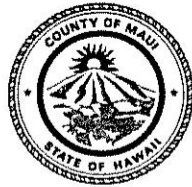


ALAN M. ARAKAWA
Mayor



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TESTIMONY
ON
HB 148, HD1 - RELATING TO WRONGFUL IMPRISONMENT

February 26, 2015

The Honorable Sylvia Luke
Chair
The Honorable Scott Y. Nishimoto
Vice Chair
and Members
House Committee on Finance

Chair Luke, Vice Chair Nishimoto and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, OPPOSES HB 148, HD1 - Relating to Wrongful Imprisonment. We wholeheartedly agree with the concerns expressed by the Department of the Attorney General as stated in their written testimony submitted on HB 148 before the House Committee on Judiciary on February 6, 2015.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, OPPOSES the passage of this bill, and respectfully requests that this bill be held.

Thank you very much for the opportunity to provide testimony on this bill.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Scott Nishimoto, Vice Chair

Thursday, February 26, 2015

1:30 p.m.

Room 308

STRONG SUPPORT for HB 148 HD1 - WRONGFUL IMPRISONMENT

Aloha Chair Luke, Vice Chair Nishimoto and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for almost two decades. This testimony is respectfully offered on behalf of the 5,600 Hawai'i individuals living behind bars, always mindful that more than 1,600, and soon to be rising number of Hawai'i individuals who are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 148 HD1 provides compensation and services to persons who can demonstrate they were wrongfully convicted of a crime and imprisoned.

Community Alliance on Prisons is in strong support of this measure. The state imprisons people who cause harm to others. Conversely, when it is the state that causes the harm, it is the moral responsibility of the state to compensate the person who suffered that harm.

Committee members, we want you to understand that this could happen to any one of us. How many times have you been mistaken for another person? What if you looked like someone who committed a crime and no one believed that you were innocent? What would you want the state to do when you were found innocent after spending years in prison? **Please understand that this is happening as we speak.** People are serving time for crimes they did not commit.

It is perplexing that crime victims are compensated in all 50 states, yet those who were wrongfully imprisoned are not afforded the same respect and accommodation. This is patently unfair and unjust. We can only infer from this that the Aloha state will demand restitution on the victim's behalf for crime, but will ignore the pain and suffering of a person the state has caused. This hurts and heaps even more pain and suffering on the wrongfully imprisoned.

The state continues to put up barriers to ignore/deny/delay their own responsibility. The message this sends to our communities is so wrong. It is the opposite of what we teach our keiki about being responsible citizens: **You take responsibility for your actions; You clean up your mess; and You take whatever steps necessary to correct the wrong you have caused.**

HOW DOES THE STATE TAKE RESPONSIBILITY FOR RUINING SOMEONE'S LIFE?

How can such an egregious wrong be made right? Currently 30 states have compensation statutes for the wrongfully convicted. **It is embarrassing to say that Hawai'i doesn't even apologize or take any responsibility for the harm they have caused.**

The Innocence Project released a report¹ in 2009 with recommendations for compensation. Applicants must have documentation that demonstrates actual innocence, and a small number of people qualify.

The Innocence Project's Recommendations

For those few qualified applicants, the state should readily and generously offer assistance. No amount of money can make up for the lost years, the trauma of prison life, or the horrible experience of being falsely branded a murderer, rapist or thief. But compassionate state assistance can at least help bring the exoneree's struggle to an end by providing him with the finances to find a home, see a doctor, get job training and counseling, and attempt to make a new life for himself.

These recommendations for state compensation laws have been developed by the Innocence Project after years of working with exonerees and their families, legislators, social workers and psychologists:

- Provide a minimum of \$50,000, untaxed, per year of wrongful imprisonment and \$100,000, untaxed, per year on death row. This amount is based on the federal government's standard created through the Innocence Protection Act of 2004.
- Cover limited and appropriate attorney's fees associated with filing for compensation.
- Provide immediate services including housing, transportation, education, workforce development, physical and mental health care through the state employee's health care system and other transitional services.
- Issue an official acknowledgment of the wrongful conviction.

By fairly compensating those who have suffered under the criminal justice system, the state reassures its citizens that the government will attempt to rectify a wrong—whether the state is at fault or not. In short, it's the right thing to do.

Pages 27-31 of this report list the statutes, support services and restrictions of the states who offer some form of compensation. In summary, it is crucial to the integrity of our justice system and to the state that Hawai'i improves the quality of justice by first apologizing and then providing support and compensation to those individuals who have been wrongfully convicted and imprisoned because of the state's error. **JUSTICE DEMANDS THIS.**

Mahalo for this opportunity to testify

¹ **Making up for Lost Time: What the Wrongfully Convicted Endure and How to Provide Fair Compensation**, December 2009. <http://www.innocenceproject.org/news-events-exonerations/executive-summary-making-up-for-lost-time-what-the-wrongfully-convicted-endure-and-how-to-provide-fair-compensation#sthash.ohjbgKpt.dpuf>

COMMITTEE ON FINANCE

Chair: Rep. Sylvia Luke

Vice Chair: Rep. Scott Y. Nishimoto

DATE: Friday, February 27, 2015

TIME: 1:30 PM

PLACE: Conference Room 308

State Capitol

415 Beretania Street

Honolulu, Hawai'i 96813

HB 148 HD1 Relating To Wrongful Imprisonment

STRONG SUPPORT

Honorable Chair Luke, Honorable Vice-Chair Nishimoto and Honorable Members of the Committee on Finance, Representatives Cachola, Cullen, DeCoite, Johanson, Jordan, Keohokalo, Kobayashi, Lowen, Onishi, Tokioka, Yamashita, Pouha and Ward:

My name is Virginia Hench, and I am the Director and one of the founders of the Hawai'i Innocence Project, and I am here to testify in strong support of House Bill 148.

In 1913, California and Wisconsin became the first states to create systematic financial restitution for citizens wrongly deprived of their liberty by wrongful convictions. For decades, they were the only states to provide this important safety net to help restore the wrongly convicted to a productive life. However, as exonerations began to be more publicized, more states began to enact statutory compensation. Between the turn of the 21st century and 2014, when Minnesota enacted a compensation statute, a total of 30 states (as well as the federal government and the District of Columbia) enacted compensation statutes. Not one of those jurisdictions has chosen to repeal a compensation statute.

As we begin the year 2015, however, Hawai'i remains among the minority of jurisdictions that fails to provide reasonable compensation to innocent persons who have been unjustly required to sacrifice their liberty and serve time for another person's crime.

In looking over the states with compensation, it is interesting to note that a majority of southern states, as well as a majority of "red" states over-all, have compensation statutes. This may be because compensation for the wrongly convicted is not just a liberal idea. It is sound policy, regardless of politics, and it makes fiscal sense.

A person who is imprisoned for another person's crime loses more than liberty and connections to family and community. The exoneree loses reputation, chances for education, earning power, credit towards a pension. They lose the chance to build equity in a house. The state loses the benefit of the taxes they would have paid on their earnings, had they not been wrongly incarcerated. Moreover, upon release, the exoneree's knowledge and skills are usually outdated. Many exonerees are diagnosed with post-traumatic stress disorders, which can further exacerbate their struggles in re-establishing a normal, productive life. Ironically, the exoneree does not even have access to the re-entry services available to a guilty person who has been released after serving their sentence.

Financial compensation, free tuition or job training, and other compensatory benefits can help the wrongfully convicted person make a smoother re-entry into society and increase their

future self-sufficiency. It is not only simple justice to compensate the victims of wrongful incarceration, it makes economic sense to help put them in a position to contribute to society rather than leaving them in a position where they and their families are likely to be dependent on social services.

Compensation also allows government and citizens to make amends to the wrongly convicted person and, more generally, helps to repair damage to the state's public legitimacy and boost public faith in the good judgment and fairness of our system.

Hearing this bill is an important first step toward righting a wrong, and I thank you for the opportunity to testify. Please move this bill forward.

Yours sincerely,

/s/ Virginia E. Hench

Director, Hawai'i Innocence Project

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
1177 Alakea Street, First Floor
Honolulu, Hawaii 96813

BERT Y. MATSUOKA
CHAIR

JOYCE K. MATSUMORI-HOSHIJO
MICHAEL A. TOWN
ANNELLE C. AMARAL
FITUINA F. TUA
MEMBERS

TOMMY JOHNSON
ADMINISTRATOR

No. _____

TESTIMONY ON HOUSE BILL 148, HD1
RELATED TO WRONGFUL IMPRISONMENT

LATE

By
Bert Y. Matsuoka, Chairman
Hawaii Paroling Authority

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott K. Nishimoto, Vice Chair

Friday, February 27 2015; 1:30 P.M.
State Capitol, Conference Room 308

Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

The Hawaii Paroling Authority (HPA) **opposes** House Bill 148, House Draft 1, Relating to Wrongful Imprisonment which seeks to provide compensation and services to persons who can demonstrate they were wrongfully convicted of a crime and imprisoned.

Specifically, the HPA opposes all sections of this measure which seek to provide any level of compensation to offenders and/or the offender's family members following the granting of a gubernatorial pardon.

As written, this measure does not consider the fact that a pardon does not erase the crime(s), criminal history of the offender, or the loss suffered by the victim(s). The granting of pardon forgives the offender for the offense(s) previously committed and in no way proclaims an offender's innocence. The granting of a pardon is normally based on the demonstrated changes in behavior and life style of an offender over a substantial period of time following the offender's involvement in the criminal justice system. It is extremely rare for a Governor to pardon an offender on active parole supervision. Also, this measure does not consider the fact that some offenders are multi-state offenders, who often have several convictions in other jurisdictions similar to and/or the same as their offense(s) in Hawaii.

Implementation of this measure as written, to provide compensation for offenders granted a pardon would be very inappropriate and costly for the State.

Thank you for the opportunity to provide testimony on HB 148, HD1.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 26, 2015 6:13 PM
To: FINTestimony
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for HB148 on Feb 27, 2015 13:30PM*



HB148

Submitted on: 2/26/2015

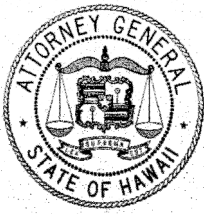
Testimony for FIN on Feb 27, 2015 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

H.B. NO. 148, H.D. 1, RELATING TO WRONGFUL IMPRISONMENT.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Friday, February 27, 2015

TIME: 1:30 p.m.

LATE

LOCATION: State Capitol, Room 308

TESTIFIER(S): Russell A. Suzuki, Attorney General, or
Mark M. Nomura, Deputy Attorney General or
Caron M. Inagaki, Deputy Attorney General

Chair Luke and Members of the Committee:

The Department of the Attorney General (the Department) appreciates the intent of this bill to provide prompt and certain compensation to innocent persons who have been wrongfully convicted of crimes and imprisoned. The Department, however, opposes the bill because it makes the State, in effect, the insurer of errors in the criminal justice system that were not caused by the State. Although the State may not have caused a wrongful conviction, because the State is often simply the jailer and had no hand in the arrest, prosecution, or trial of a convicted person, the State would nevertheless be responsible for compensating the wrongfully convicted person.

House Draft 1 of this bill replaces the phrase “not inconsistent with innocence” in the original bill with the phrase “grounds consistent with innocence and supported by findings that clearly state such consistency.” Although the new wording is an improvement over the former, it continues to be vague, confusing, and open to multiple interpretations and will allow claims even if the person is not actually innocent. The intended scope of the bill is to require compensation for “innocent” persons, i.e., persons who did not commit criminal acts, but who were nevertheless convicted and imprisoned. However, the bill arguably allows, for example, claims by persons who could create exculpatory evidence by manipulation, such as bribing a witness to provide an alibi, or threaten witnesses to persuade them to recant their testimony. The bill also suggests that being pardoned for a crime is “consistent with innocence” but pardons are granted for many reasons unrelated to actual innocence of a crime.

In addition, this bill still does not preclude claims by persons who actually committed the crimes for which they were charged, but whose convictions were vacated or reversed due to a legal deficiency. For example, a claim could be brought by a person who was convicted of possession of drugs in his home, who maintains his innocence, and whose conviction was later overturned because of the failure to obtain a search warrant before searching and recovering the drugs in his home; not because of the existence of new exculpatory evidence. As another example, a claim could be brought by a person who confessed to a crime for which he was convicted, who later attempted to retract his confession, and whose conviction was later overturned because of the failure to read him his Miranda rights after he had been placed in custody.

In order to realize the intent of this bill to compensate innocent persons who have been wrongfully convicted and imprisoned, the bill needs to contain additional safeguards and criteria in order to ensure that a person is truly innocent. For example, an alternative approach may be to require that claimants prove by clear and convincing evidence that they are actually “innocent” of the crime for which they were convicted and imprisoned, and to clearly define what “innocent” means. Considering the potentially huge cost to the State, there must be careful and detailed consideration and discussion before a bill such as this can be enacted.

The Department has previously recommended the appointment of a group to study innocence redress legislation for Hawaii. The group could be tasked with the responsibility to draft carefully circumscribed legislation that would provide redress for innocent persons who have been wrongfully convicted and imprisoned, to determine what type of redress should be provided, and the mechanism for providing redress (e.g., board or commission to hear claims, making claims against a reparations fund, civil action), among other things. The group should include judges, prosecuting attorneys, public defenders, a representative of the private defense bar, a representative of the Department, and experts on DNA and other scientific testing.

House Draft 1, like the original bill, fails to specify the type of evidence required to prove one’s “innocence.” Will DNA testing exclusively be required? Will other types of scientific evidence, such as the results of a polygraph test, or other tests of varying degrees of scientific acceptance, be sufficient? Will a “new” witness or a witness who changes or recants the witness’ former testimony be sufficient to prove one’s innocence? Without further clarification,

an unintended consequence of the bill may be to provide financial incentive for persons convicted of crimes to challenge their convictions, when they might not otherwise do so, because if they succeed, they will be entitled to compensation for the reasons, and in the amounts, set out in the bill.

House Draft 1, like the original, allows the court no discretion in awarding compensation, even where the court may find the amount to be unjustified or inappropriate. For example, on page 5 of the bill, lines 13-19, the court must award the claimant no less than \$50,000 for each year of incarceration, for any “physical injury,” no matter how minor. The court must further award \$25,000, for each year served on parole or probation. (Page 6, lines 15-21) The court must also award compensation to the claimant for child support payments owed by the claimant, which accrued during the claimant’s incarceration, plus interest, even if the claimant had refused to pay child support prior to or after the claimant’s incarceration. (Page 7, line 19, to page 8, line 2)

Finally, although this bill provides for mandatory, comprehensive compensation to the claimant, it does not preclude a subsequent lawsuit by the claimant against the State, arising out of the same wrongful conviction and imprisonment. Section -3(e), at page 9, lines 18-21, simply requires that damages awarded under this bill be offset against the future damages awarded in a subsequent lawsuit.

We respectfully request that this bill be held.

LATE

% EXONERATION BY CONTRIBUTING FACTOR

National Registry of Exonerations

<http://www.law.umich.edu/special/exoneration/Pages/ExonerationsContribFactorsByCrime.aspx#chart2>

2/1/2015 Total = 1537

Mistaken Witness ID Perjury or False Accusation False Confession False or Misleading Forensic Evidence Official Misconduct Child Sex Abuse Sexual Assault Homicide Other Crimes 020406080100 Crime by Contributing Factor % of Exonerations

Crime	Mistaken Witness ID	Perjury or False Accusation	False Confession	False or Misleading Forensic Evidence	Official Misconduct
Child Sex Abuse	17	82	8	22	45
Sexual Assault	72	33	8	32	23
Homicide	23	67	21	23	59
Other Crimes	34	39	4	16	38

Roll cursor over the graph to see totals by factor. Cases have multiple factors, so bars total more than 100%.

National Registry of Exonerations: public use permitted.

STATES	STATUTE BASICS	SUPPORT SERVICES	RESTRICTIONS
Ohio	\$40,330 per year (or amount determined by state auditor) in addition to lost wages, costs, and attorney's fees.		The wrongfully convicted person must not have pled guilty.
Oklahoma	\$175,000 for the entirety of the wrongful incarceration.		The wrongfully convicted person must not have pled guilty and must show that he was imprisoned solely as a result of the wrongful conviction. Maximum of \$175,000 regardless of time served.
Oregon	No statute.		
Pennsylvania	No statute.		
Rhode Island	No statute.		
South Carolina	No statute.		
South Dakota	No statute.		
Tennessee	A maximum of \$1,000,000 for the entirety of a wrongful incarceration. The board of claims, in determining the amount of compensation, shall consider the person's physical and mental suffering and loss of earnings.		Maximum of \$1 million regardless of time served.
Texas	\$80,000 per year of wrongful incarceration, as well as \$25,000 per year spent on parole or as a registered sex offender, plus an annuity.	Compensation for child support payments, tuition for up to 120 hours at a career center or public institution of higher learning, and reentry and reintegration services, including life skills, job and vocational training for as long as those services are beneficial. In addition, the state provides necessary documentation (i.e. a state ID card) and financial assistance to cover living expenses. Help is also provided to access medical and dental services, including assistance in completing documents required for application to federal entitlement programs, assistance in obtaining mental health treatment and related support services through the public mental health system for as long as necessary. Assistance also includes obtaining appropriate support services, as identified by the exoneree and the assigned case manager, to assist in making the transition from incarceration into the community.	

STATES	STATUTE BASICS	SUPPORT SERVICES	RESTRICTIONS
Utah	A wrongfully convicted person is eligible to receive for each year or portion of a year he was incarcerated, up to a maximum of 15 years, the monetary equivalent of the average annual nonagricultural payroll wage in Utah.		A wrongfully convicted person who served more than 15 years will not receive compensation for those additional years of wrongful imprisonment.
Vermont	Between \$30,000 and \$60,000 per year the person was incarcerated.	The exoneree is also eligible for up to 10 years of state health care, economic damages (which may include lost wages), reimbursement for attorney fees, as well as reasonable reintegrative services and mental and physical health care costs incurred by the claimant for the time period between his or her release and the date of award.	The wrongfully convicted person must show that he did not suborn perjury or fabricate evidence during any of the proceedings related to the crime with which he was charged. This provision may prevent people who falsely confessed or pled guilty from receiving compensation.*
Virginia	90% of the Virginia per capita personal income for up to 20 years.	Tuition worth \$10,000 in the Virginia Community College system. Exonerees also receive a transition assistance grant of \$15,000, which is later deducted from the final award.	The wrongfully convicted person must not have pled guilty—unless he was charged with a capital offense. A new felony conviction will end the claimant's right to compensation.
Washington	No statute.		
West Virginia	No maximum amount is specified.		The wrongfully convicted person must show "he did not by his own conduct cause or bring about his conviction." This provision may prevent people who falsely confessed or pled guilty from receiving compensation.*
Wisconsin	\$5,000 for each year in prison, with a maximum of \$25,000 plus attorney's fees.		The wrongfully convicted person must show that he did not by his act or failure to act contribute to bring about the conviction and imprisonment for which he seeks compensation. This provision may prevent people who falsely confessed or pled guilty from receiving compensation.*
Wyoming	No statute.		
Federal	Up to \$50,000 per year of wrongful imprisonment and \$100,000 per year on death row.		

**See pages 18-19 for more information about this provision.*

STATES	STATUTE BASICS	SUPPORT SERVICES	RESTRICTIONS
Mississippi	\$50,000 for each year of wrongful incarceration with a maximum of \$500,000.		Maximum of \$500,000 regardless of time served. The wrongfully convicted person must show that he did not suborn perjury or fabricate evidence during any of the proceedings related to the crime with which he was charged. This provision may prevent people who falsely confessed or pled guilty from receiving compensation.*
Missouri	\$50 per day of post-conviction confinement.		Only wrongfully convicted persons exonerated through DNA testing are eligible.
Montana	No financial compensation.	Educational aid.	Only wrongfully convicted persons exonerated through DNA testing are eligible.
Nebraska	\$25,000 per year with a maximum of \$500,000.		The wrongfully convicted person must show that he did not "commit or suborn perjury, fabricate evidence, or otherwise make a false statement."* If the wrongfully convicted person falsely confessed or pled guilty, he must show that the confession was coerced. Maximum of \$500,000 regardless of time served.
Nevada	No statute.		
New Hampshire	Maximum of \$20,000 for the entirety of the wrongful incarceration.		Maximum of \$20,000 regardless of time served.
New Jersey	Twice the amount of the exonerate's income in the year prior to incarceration or \$20,000 per year of incarceration, whichever is greater.		The wrongfully convicted person must show "he did not by his own conduct cause or bring about his conviction." This provision may prevent people who falsely confessed or pled guilty from receiving compensation.*
New Mexico	No statute.		
New York	The Court of Claims determines what amount will fairly and reasonably compensate the wrongfully convicted person. His request will be expedited by the court of claims.		The wrongfully convicted person must show "he did not by his own conduct cause or bring about his conviction." This provision may prevent people who falsely confessed or pled guilty from receiving compensation.*
North Carolina	\$50,000 for each year of wrongful incarceration with a maximum of \$750,000.	Also includes provision of job skills training and education tuition waivers.	Maximum of \$750,000 regardless of time served.
North Dakota	No statute.		

STATES	STATUTE BASICS	SUPPORT SERVICES	RESTRICTIONS
Florida	\$50,000 annually with a maximum of \$2 million. The wrongfully convicted person cannot be compensated for years served on another prior felony conviction.	120 hours of tuition at a career center, community college or state university and reimbursement for any fines or costs imposed at the time of his sentence.	The wrongfully convicted person must not have any prior felony convictions. Maximum of \$2 million regardless of time served.
Georgia	No statute.		
Hawaii	No statute.		
Idaho	No statute.		
Illinois	\$85,350 for those who served up to five years; \$170,000 for those who served between five and 14 years; \$199,150 for those who served more than 14 years. The law also reimburses attorney's fees up to 25 percent of the compensation award.	Job search and placement services.	Compensation cannot exceed \$85,350 for up to five years of wrongful imprisonment, \$170,000 for up to 14 years and \$199,150 for more than 14 years.
Indiana	No statute.		
Iowa	\$50 per day of wrongful incarceration plus lost wages up to \$25,000 a year, plus attorney's fees.		The wrongfully convicted person must not have pled guilty.
Kansas	No statute.		
Kentucky	No statute.		
Louisiana	\$15,000 per year of wrongful incarceration, with a maximum of \$150,000.	One year of job or skill training, three years of medical and counseling services, tuition expenses at a community college or unit of the state university system.	Maximum of \$150,000 regardless of time served.
Maine	Maximum of \$300,000.		Maximum of \$300,000 regardless of time served.
Maryland	The Board of Public Works determines compensation packages for pardoned persons who were wrongfully convicted, and may grant a reasonable amount for any financial or other appropriate counseling for the individual.		
Massachusetts	A maximum of \$500,000.	Physical and emotional services, educational services at any state or community college.	Any person is eligible so long as he did not plead guilty (unless such plea was withdrawn, vacated, or nullified). Maximum of \$500,000 regardless of time served.
Michigan	No statute.		
Minnesota	No statute.		

APPENDIX A

Compensation Statues by State

STATES	STATUTE BASICS	SUPPORT SERVICES	RESTRICTIONS
Alabama	Minimum of \$50,000 for each year of wrongful incarceration.		The wrongfully convicted person can only receive compensation if the Legislature appropriates the funds. A new felony conviction will end the claimant's right to compensation.
Alaska	No statute.		
Arizona	No statute.		
Arkansas	No statute.		
California	Maximum of \$100 per day of wrongful incarceration.		The wrongfully convicted person must show he did not "contribute to the bringing about of his arrest or conviction for the crime with which he was charged." This provision may prevent people who falsely confessed or pled guilty from receiving compensation.*
Colorado	No statute.		
Connecticut	Compensation is based on factors such as claims for loss of liberty and enjoyment of life; loss of earnings; loss of earning capacity; loss of familial relationships; loss of reputation; physical pain and suffering; mental pain and suffering; and attorney's fees and other expenses arising from or related to such person's arrest, prosecution, conviction and incarceration.	Employment training and counseling, tuition and fees at any constituent unit of the state system of higher education and any other services needed to facilitate reintegration into the community.	
Delaware	No statute.		
District Of Columbia	The court determines what amount fairly and reasonably compensates the exoneree.		The wrongfully convicted person must show that he "did not contribute to his own prosecution."* The wrongfully convicted person must not have pled guilty unless it was an Alford plea.