

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/SB 494 — Compensation of Victims of Wrongful Incarceration

by Judiciary Committee and Senator Bradley

The Victims of Wrongful Incarceration Compensation Act has been in effect since July 1, 2008. The law establishes an administrative process for a person to petition the original sentencing court for an order finding the petitioner to have been wrongfully incarcerated and eligible for compensation.

The Department of Legal Affairs administers the eligible person's application process and verifies the validity of the claim. The Chief Financial Officer arranges for payment of the claim by securing an annuity or annuities payable to the claimant over at least 10 years, calculated at a rate of \$50,000 for each year of wrongful incarceration up to a total of \$2 million.

Under current law, a person is not eligible for compensation for wrongful incarceration if he or she:

- Has a criminal history that includes any felony;
- Commits a felony while imprisoned; or
- Commits a felony while on community supervision or parole for the offense for which he or she was wrongfully incarcerated.

This is commonly known as the “clean hands” provision of Florida's wrongful incarceration compensation law.

The bill amends ch. 961, F.S., to provide that a person who otherwise meets the statutory criteria for compensation is no longer ineligible due to a single:

- Prior nonviolent felony;
- Nonviolent felony committed while wrongfully incarcerated; or
- Nonviolent felony committed while on parole or community supervision.

These changes apply to any persons who are wrongfully incarcerated on or after October 1, 2017.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 38-0; House 118-0