

Wrongful Conviction Compensation Laws

Federal Compensation Law

- Enacted in 2004 to provide \$50,000 per year of wrongful incarceration which = **\$64,792** in 2018 when adjusted for inflation.

6 states + D.C provide > \$50,000 per year of wrongful incarceration.

Most of these laws were recently enacted or amended to provide higher amounts.

- Washington, DC: \$200,000 (Amended 2017)
- Texas: \$80,000 (Amended in 2008)
- Connecticut: \$50,250-\$134,000 (Amended 2016)
- Colorado: \$70,000 (Enacted 2013)
- California: \$51,100 (Amended 2015)
- Illinois: \$85,350-\$199,150 (Amended 2011)
- Vermont: \$30,000-\$60,000 (Amended 2014)

Neighboring States Demonstrate that Higher State Compensation Payments= Fewer Lawsuits

- Colorado: Passed a law in 2013 providing \$70,000 per year of wrongful conviction. Since the law was enacted there have been 6 exonerations and only 1 civil lawsuit stemming from a wrongful conviction.
- Other states with lower amounts have been subject to more civil lawsuits payments.
 - Nebraska (2009) : Has an unspecified amount and caps compensation at \$500,000. This insufficient amount has led to exonerees filing civil lawsuits- the Beatrice Six was awarded \$28m by a jury which might force Gage County to go bankrupt.
 - Missouri (2006): \$18,500 per year. Exoneree Ryan Ferguson won \$100m federal lawsuit last year.
 - Oklahoma (2003): No set amount, but \$175,000 cap. Exonerees have won millions in civil lawsuits (Yancy Douglas settled for \$32m in 2017; McGhee settled for \$12 million in 2006, etc.).

Case in Point: Economic Impact on Exoneree Floyd Blesdoe

Floyd Blesdoe was wrongfully convicted of murder and rape at age 23 and spent 16 years in prison. In addition to losing his freedom and custody of his two young sons, some of the financial costs of his wrongful conviction include:

- \$28,000 in court costs and restitution.
- Forced to sell his 40 acres of farmland to pay for legal fees and wrongful death lawsuit.
- Lost \$28,000 in annual income as dairy farmer.
- Lost years of retirement savings. At age 41 he has \$1,000 in a 401k.
- Lack of work history made it difficult for Floyd to get a job and finance basic necessities including housing, a car and food.

