



Legislative Council Staff

Research Note

Version: Final

Date: 4/11/2017

Bill Number

Senate Bill 17-125

Sponsors

Senator Guzman
Representative Pabon

Short Title

Lump-sum Compensation For Exonerated Persons

Research Analyst

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Status

This research note reflects the final version of the bill, which became effective April 4, 2017.

Background

Under Colorado law, a person who has been convicted of a felony in this state and sentenced to a term of incarceration as a result of that conviction and has served all or part of such sentence, may be eligible for compensation upon a finding that the person was actually innocent of the crime for which he or she was convicted. An immediate family member of such person may also be eligible for compensation. In order to be found actually innocent, a person must file a petition for compensation with the court in which he or she was found guilty. The petition is filed as a civil claim for relief against the state of Colorado. Certain conditions, which are explained in Section 13-65-102, C.R.S., must be met before the petitioner may file and the court may grant the petition.

If the petition is granted, the state court administrator begins paying reimbursement to the exonerated person. Under Colorado law, an exonerated person receives the following compensation: \$70,000 for each year that he or she was incarcerated for the felony; \$50,000 for each year that he or she was incarcerated and sentenced to execution; and \$25,000 for each year that he or she served on parole, on probation, or as a registered sex offender after a period of incarceration as a result of the felony of which he or she has been exonerated and not for any other criminal offense. Under existing law, annual payments are limited to a maximum of \$100,000, adjusted annually for inflation, and reimbursement is conditioned on completion of a personal financial management course (in order to receive the second annual payment) and purchase of a qualified health plan for the exonerated person and his or her dependents.

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Senate Action

Senate Judiciary Committee (February 13, 2017). At the hearing, the committee heard testimony in favor of the bill from representatives of the Colorado Attorney General's Office and private citizens. The committee referred the bill to the Senate Finance Committee.

Senate Finance Committee (February 16, 2017). The committee referred the bill to the Senate Committee of the Whole.

Senate second reading (February 22, 2017). The Senate passed the bill on second reading with no amendments.

Senate third reading (February 23, 2017). The Senate passed the bill on third reading with no amendments.

House Action

House Judiciary Committee (March 14, 2017). At the hearing, the committee heard testimony in favor of the bill from a representative of the Colorado Attorney General's Office, and private citizens. The committee referred the bill to the House Committee of the Whole.

House second reading (March 20, 2017). The House passed the bill on second reading with no amendments.

House third reading (March 21, 2017). The House passed the bill on third reading with no amendments.