150th GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**HOUSE BILL NO. 196**
SPONSOR:	**Representative Lynn**
DESCRIPTION:	**AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE DELAWARE WRONGFUL IMPRISONMENT COMPENSATION ACT.**

Assumptions:

1. This Act, known as the Delaware Wrongful Imprisonment Act, becomes effective on July 1, 2020, and upon signature by the Governor.
2. This Act allows a plaintiff, who was convicted and subsequently imprisoned in a Delaware correctional facility for one or more crimes that the individual did not commit, to file a complaint for compensation against this State in Superior Court within 3 years after the reversal or vacation of a conviction.
3. This Act requires that notice of the complaint be served to the Attorney General who then may answer and contest the complaint, provide notice to a victim of the crime that is subject of the complaint if applicable, and allows for discovery.
4. If the court finds that a plaintiff was wrongfully convicted and imprisoned, the court shall award compensation as follows:
    a. $50,000 for each year from the date the plaintiff was imprisoned until the date the plaintiff was released, regardless of whether the plaintiff was released from imprisonment on parole or because the maximum sentence was served;
    b. for incarceration of less than a year, this amount is prorated to 1/365 of $50,000 for every day the plaintiff was incarcerated;
    c. a plaintiff may be reimbursed for reasonable attorney fees that have been actually paid by the plaintiff, not to exceed 10% of the total amount awarded or $50,000, whichever is less, plus expenses; and
    d. compensation amounts are subject to the payment of child support, including arrearages.
5. The Superior Court may order that the total amount of compensation awarded be paid to the plaintiff in a single payment or in multiple payments. If compensation is ordered to be paid in multiple payments, the initial payment must be 20% of the total amount awarded or more with the remainder of the payments made within 10 years.
6. This Act creates The Wrongful Imprisonment Compensation Fund (Fund) to be administered by the Office of the State Treasurer who shall expend money from the Fund only for the purposes of paying authorized claims. Funding does not revert to the General Fund at the close of a fiscal year.
7. The number of individuals who may file a complaint for compensation against this State in Superior Court is unknown, therefore, the fiscal impact of this Act is indeterminable.

Cost:

Fiscal Year 2020:	Not in effect until July 1, 2020
Fiscal Year 2021:	Indeterminable
Fiscal Year 2022:	Indeterminable

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Office of the Controller General