

STATE OF KANSAS

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SENATE CHAMBER

March 16, 2017

Nancy Strouse, Executive Director
Kansas Judicial Council
301 SW 10th Avenue
Topeka, Kansas 66612

Dear Nancy:

I am writing to request Judicial Council study of the issue of compensation for wrongful conviction, which has been the subject of two recent bills: 2016 HB 2611 and 2017 SB 125. Each would have established a cause of action for wrongfully convicted persons and provide for a specific award of damages. 2016 HB 2611 would have awarded damages in the amount of the federal minimum wage multiplied by 2,080 for each year the claimant was incarcerated. 2017 SB 125 would have awarded an amount equal to \$80,000 multiplied by the number of years the claimant was incarcerated to a person convicted of a felony, \$1 million to a person convicted of capital murder, and \$5 million to the heirs, legal representatives, or the estate of a person wrongfully convicted of capital murder and executed on or after July 1, 2017.

After a hearing on 2017 SB 125, the Senate Committee decided a more in-depth consideration of this issue would be helpful before the Committee takes further action given the different approaches presented in these bills and in other states' laws. Additionally, the Committee expressed interest in legislation that would provide more comprehensive services to persons wrongfully convicted, such as support in obtaining education, employment, and housing. We would appreciate the Judicial Council's consideration of and recommendations regarding what compensation and other services might be most appropriate.

Please let us know if we can provide any further information or answer any questions regarding this request.

Thank you.

Sincerely,

A handwritten signature in purple ink, which appears to read "Rick Wilborn".

Senator Rick Wilborn
Chairman, Senate Committee on Judiciary