

SECOND REGULAR SESSION

HOUSE BILL NO. 820

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE THOMPSON.

Pre-filed December 8, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3314L.011

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to compensation for wrongful imprisonment.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.780, to read as follows:

537.780. 1. Notwithstanding the provisions of any other law, any person convicted and subsequently imprisoned for one or more crimes which such person did not commit may, under the conditions hereinafter provided, bring a suit for damages in circuit court against the state of Missouri.

2. The person, hereinafter referred to as the "claimant", shall establish the following by clear and convincing evidence:

(1) That he or she was convicted of a crime and subsequently sentenced to a term of imprisonment, served all or any part of his or her sentence; and

(2) He or she did not commit the crime for which he or she was convicted; and

(3) He or she did not by his or her own conduct cause or bring about his or her conviction; and

(4) Was released by the state.

3. The suit, accompanied by a statement of the facts concerning the claim for damages, verified in the manner provided for the verification of complaints in civil actions, shall be brought by the claimant within a period of two years after his or her release from imprisonment, or after the grant of a pardon to him or her; provided, however, that any eligible claimant released or pardoned during the five-year period prior to the effective date of this section shall have two years to file a suit.

19 **4. (1) Damages awarded pursuant to this section shall not exceed twice the amount**
20 **of the claimant's income in the year prior to his or her incarceration or twenty thousand**
21 **dollars for each year of incarceration, whichever is greater.**

22 **(2) In addition to the damages awarded pursuant to subdivision (1) of this**
23 **subsection, the claimant shall be entitled to receive reasonable attorney fees.**

24 **5. (1) A person serving a term of imprisonment for a crime other than a crime of**
25 **which the person was mistakenly convicted shall not be eligible to file a claim for damages**
26 **pursuant to the provisions of this section.**

27 **(2) A person shall not be eligible to file a claim for damages pursuant to the**
28 **provisions of this section if the sentence for the crime of which the person was mistakenly**
29 **convicted was served concurrently with the sentence for the conviction of another crime.**

30 **6. The provisions of this section providing damages and attorney fees shall be made**
31 **through appropriations as provided by law.**