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Compensating Exonerees in the United States

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After 44 years in prison for a conviction of rape in the small town of Concord, North Carolina, Ronnie Long was released from prison in 2021. Four months later, the Governor granted him a full pardon on the grounds of innocence.¹ That pardon made it possible to obtain compensation from a state commission, which awarded Long \$750,000. This amount was the maximum available under state law that permitted compensation of \$50,000 per year of incarceration, but with an upper limit of \$750,000.² After his exoneration, Long also filed a civil rights lawsuit in federal court. This federal case against the city settled for \$22 million in 2024. Long also received \$3 million from the North Carolina State Crime Lab as a result of its “role in hiding evidence from Mr. Long and his legal team that proved his innocence.”³ This substantial settlement made Long highly unusual among exonerees in the United States. Most exonerees, if they are compensated, received something more along the lines of the \$50,000 per year available under the state law that initially compensated Long, and nothing more. Many exonerees receive no compensation at all.



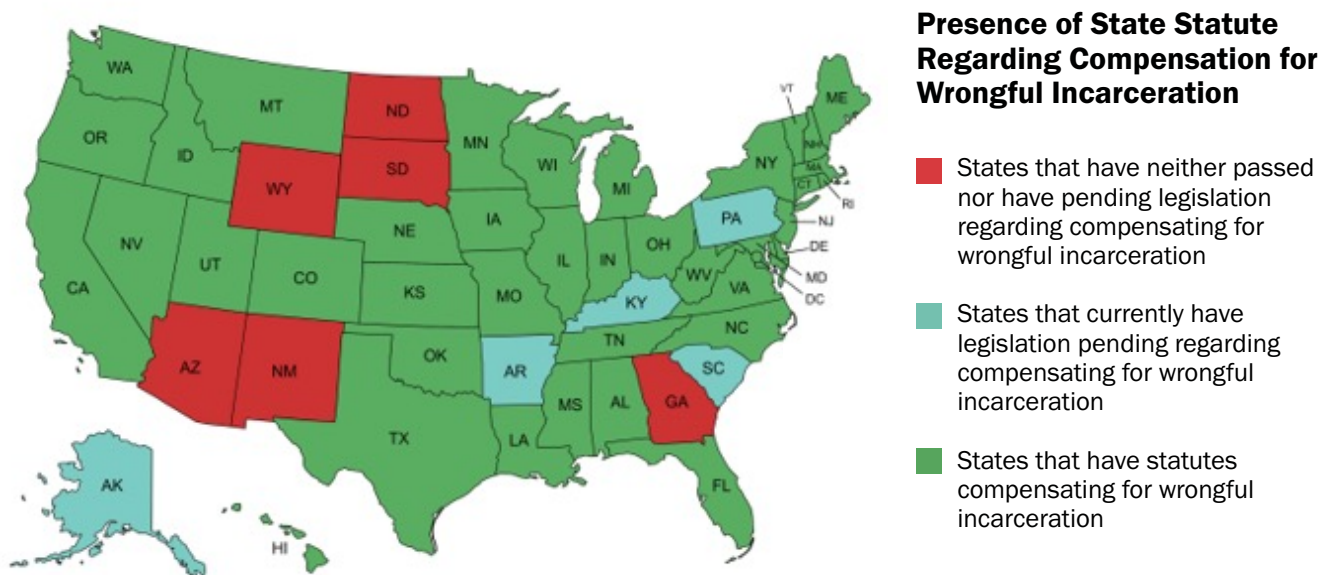
Ronnie Long in 2024, photo courtesy of Duke University School of Law

Academics have long criticized the traditional lack of compensation for wrongful conviction in the United States.⁴ In 1932, Edwin Borchard wrote that the United States needed national legislation regarding compensation for wrongful convictions.⁵ For many decades, no such legislation existed, however. Civil rights litigation, like the case brought by Long, was uncommon, and compensation under statutory schemes was similarly rare. This changed once exonerations became much more common, including those based on post-conviction DNA evidence, in the 1990s. In general, many of the exonerees that have received substantial compensation, like Ronnie Long, have brought civil rights lawsuits in federal, not state court. For example, of the first 250 DNA exonerees, 60% received some type of compensation, and of those, half of them obtained it in federal court.⁶ However, exonerees are increasingly seeking compensation under state compensation statutes.

In this fact sheet, we describe how compensation for exonerees has evolved in the past several decades, including through successful litigation efforts and through the enactment of compensation legislation, in thirty-nine states, Washington D.C., and by the federal government.

We summarize each of these state and federal statutes in the table at the end of this document. To date, 39 states have enacted such compensation statutes, in addition to Washington D.C. and the federal government. In addition, five of the remaining 11 states currently have pending legislation on the issue. The figure below shows which jurisdictions have these statutes currently, and which have legislation pending.

Figure: State-level Adoption of Statutes Compensating Wrongfully Incarcerated Individuals



The Justice For All Act, a federal law passed in 2004, provides for compensation after an exoneration. The statute, amending a 1948 law that provided for \$5,000 in compensation per year, provides for \$50,000 per year in compensation and \$100,000 for every year spent on death row.⁷ At the time, Alabama had the highest amount, \$50,000 per year, and the federal government matched it. The federal statute itself became a model for other states, although organizations like the American Bar Association and the Innocence Project have also drafted influential model compensation statutes.⁸

By 2011, 25 states, the District of Columbia, and the federal government had passed statutes to provide compensation to the exonerated. Most exonerees received less than \$50,000 per year of wrongful incarceration under these statutes. Texas led the way, having changed its compensation law to provide \$80,000 for each year behind bars, lifetime annuity payments, as well as social services like job training, financial advising, tuition credits, and medical treatment. By 2014, 17 states had passed compensation statutes.⁹ By 2019, 35 states, the federal government, and Washington D.C. had such statutes.¹⁰

Today, it is 39 states. In addition, five of the remaining 11 states currently have pending legislation on the issue. Many states that have passed more recent legislation have increased the average compensation awarded to individuals: for example, Oregon's 2022 bill allows for compensation of \$65,000 per year of wrongful incarceration, Delaware's statute passed in 2024 allows for compensation of \$75,000 per year of wrongful incarceration, and Idaho's 2021 statute allows for \$62,000 per year of wrongful incarceration.

The calculation of compensation has also become more diverse amongst states. Certain states, for example, fix the compensation to the average income of citizens in the state as opposed to a flat rate. Others leave the compensation to the findings of the court or of a jury (as noted earlier, civil suits may be brought under these state statutes). Another important difference is the presence of a cap on maximum compensation. In certain states, formerly incarcerated individuals can receive a maximum amount of compensation. Other states do not have a maximum amount.

A number of states have also adopted additional compensation measures such as Texas's tuition assistance for exonerated persons. Thirteen states, as well as Washington D.C., now provide tuition assistance as part of compensation. Certain states have adopted additional compensation services as well, including reimbursement for reintegrative services such as financial literacy planning and classes, insurance and healthcare coverage, assistance or forgiveness of child support payments, and housing assistance. The majority of states, and the federal statute, do not provide such services.

States also differ on whether or not an individual can pursue an independent civil claim while the individual is also compensated under the state statute. Numerous state statutes offset the amount won in civil litigation from the amount an individual can be awarded from the state statute. Other states do not have such a bar. Still additional states have found that being awarded compensation from the state's statutory scheme bars any litigation against the state, municipalities, or officers of the state.

Finally, one last avenue of compensation is for posthumous exonerations.¹¹ Some states have included posthumous compensation in their statutes, allowing the estate of individuals to recover under the state statute if the individual passes away before a final adjudication on their innocence. For example, Timothy Cole, whose case led to Texas's passing of their wrongful conviction compensation statute, passed away in prison in 1999 before being exonerated in 2009.¹² His family members received \$1,060,000 in state compensation.¹³

The growing numbers of exonerations in the United States have prompted substantial legislative efforts, including revisions of compensation statutes to better address the needs of innocent persons convicted and then exonerated of crimes. Given the legislative momentum in recent years, it seems likely that although civil rights litigation can result in substantial rewards, exonerees will continue to increasingly obtain relief through these statutory mechanisms.

Table: State-level Adoption of Statutes Compensating Wrongfully Incarcerated Individuals

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
Alabama	Ala. Code 1975 § 29-2-150, et seq.	2001	Minimum of \$50,000 for each year of incarceration. The Committee on Compensation for Wrongful Incarceration can also recommend a discretionary amount in addition to the base amount if the committee determines circumstances warrant such a supplemental award.	Not specified	The Committee on Compensation for Wrongful Incarceration may recommend to the Legislature an additional amount of compensation to be paid by the state.	Not specified	Within two years of the instrument establishing the individual's innocence.
Alaska	Alaska does not currently have legislation regarding compensating individuals who were wrongfully convicted. There is a pending bill that, as of May 8, 2024, was referred to the Alaska Finance Committee: House Bill (HB) 55 "An Act relating to compensation for wrongful convictions and imprisonment." This bill would compensate exonerees with \$50,000 per year of wrongful incarceration with a maximum compensation of \$2,000,000. This bill would bar future civil litigation against the state or municipal governments. Claims under this bill would have to be brought within two years of a dismissal, subsequent not guilty verdict, or pardon.						
Arizona	Arizona does not currently have legislation regarding compensating individuals who were wrongfully convicted, and there is no such pending legislation. The most recent legislative attempt for such a statute was in 2021: Arz. Rev. Statute § 1 Tit. 9 Chapter 6, SB 1694. This bill would have provided \$65,000 for each year of wrongful imprisonment and \$25,000 for each additional year the claimant served on parole or community supervision or was required to register as a sex offender. This bill also would have included housing assistance, counseling, financial literacy assistance, and tuition assistance. The bill would have allowed claims to be brought through Arizona Superior Court and civil rewards would have offset any amount provided by the statute.						
Arkansas	No wrongful convictions statute could be found for Arkansas. No pending or proposed bills regarding wrongful conviction compensation in Arkansas could be found either. Claims on wrongful convictions in the state have been heard by the Arkansas Legislative Council Claims Review Subcommittee, a commission established to compensate those injured by the state in a variety of claims. ¹⁴						
California	Cal Penal Code §§ 4900–4906	Amended 2000; 2006; 2009; 2013; 2015; 2022	\$140 per day of incarceration served (equivalent to \$51,100 per year). \$70 per day the claimant served on parole or on supervised release solely as a result of the former conviction.	Not specified	California Victim Compensation and Government Claims Board makes a recommendation to the legislature.	Not specified	Ten years after judgment of acquittal, dismissal of charges, pardon granted, or release from custody.

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
Colorado	CO Code § 13-65-103 (2022)	2013; Amended in 2022	\$70,000 for each year that the individual was wrongfully incarcerated. Additionally, \$50,000 for each year that the individual was incarcerated and sentenced to execution and \$25,000 for each year that the individual served on parole, on probation, or as a registered sex offender after incarceration for the previous conviction.	Tuition waivers for the individual who was wrongfully incarcerated. Compensation for child support payments owed by the exonerated person that became due during his or her incarceration or placement in state custody and interest on child support that accrued during incarceration. Reasonable attorney fees.	District court in state where case originated	The court is to reduce an exoneree's award of monetary compensation by an amount that is equal to the amount of monetary damages that the exoneree is awarded and collects in civil action except that the court shall not offset any amount exceeding the total amount of monetary compensation awarded to the person according to this code.	Not specified
Connecticut	CT Gen Stat § 54-102uu	2008; Amended in 2016; 2023.	Amount per year is equivalent to a calculated amount that is 200% of the median family income for Connecticut residents for year the claimant was incarcerated.	Payments for employment training and counseling as well tuition and fees at a state university. If the individual dies before the award, their estate can receive the award posthumously.	Claims Commissioner	The award given by the state is offset by any recovery gained in civil litigation. The individual waives their right to sue the state in agreeing to receive this compensation.	Claim must be filed no later than two years after the date of the pardon or dismissal.

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
Delaware	DE S. B. No. 169 §§ 7001–7010	2024	\$75,000 for each year of wrongful incarceration. \$100,000 for each year of incarceration while awaiting a sentence of death based on the conviction at issue. \$50,000 for each year spent on probation of parole or subject to a requirement of sex offender registration.	Compensation to child support payments owed by the petitioner that became due, reasonable attorneys fees, reimbursement for costs as a result of the former conviction, reimbursement on any restitution money paid by the petitioner, compensation for any reasonable integrative services and mental and physical health care costs incurred by the petitioner for the period between the petitioner's release and the date of the petitioner's award, insurance, food benefits, and social services.	Delaware Superior Courts	The acceptance of an award of damages under this law does not preclude the petitioner from obtaining damages or other relief available under law. However, the award will be offset by the recover gained through other civil action.	Claim must be brought within six years of the overturning, vacating, or reversing of a conviction.
District of Columbia	Code of DC § 2-423.02	1981	\$200,000 for each year of incarceration. \$40,000 for each year served on parole, probation, supervised release, or as a registered sex offender.	Reimbursement for child support payments and any interest on child support payments. Reasonable attorney's fees. \$10,000 to assist with housing, transportation, subsistence, re-integrative services, and mental and physical health care. Health insurance and reimbursement for tuition and fees at specified universities.	Civil Court	Not specified.	Not specified.

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
Florida	FL ST 961.01, et seq.	2008; Amended in 2013; 2014.	\$50,000 for each year of wrongful incarceration.	A waiver of tuition and fees for up to 120 hours of instruction at any career center or any Florida College System institution or any state university. Reasonable attorneys fees and any fines, penalties, or court costs imposed and paid by the wrongfully incarcerated person.	Trial Court	A wrongfully incarcerated person may not submit an application for compensation under this act if the person has a lawsuit pending against the state or any agency, instrumentality, or any political subdivision of the state relating to the wrongful conviction and incarceration.	Petitioner must file suit within 90 days after order vacating conviction.
Georgia	Georgia currently has no statute for compensating wrongly convicted individuals. There is no current pending bill on this topic. The last attempt to enact a statute was in 2023, which the governor did not sign into law. The bill would have created a panel of legal experts to determine compensation for those that were wrongfully convicted. To receive compensation, wrongfully incarcerated individuals currently must either obtain a private resolution from the legislature, or make a claim through the state's Claims Advisory Board, which has never awarded compensation to an exoneree.						
Hawaii	Haw. Rev. Stat. § 661B-1, et seq.	2016	\$50,000 for each year of wrongful imprisonment. If the court finds extraordinary circumstances present, or a pardon is granted because of actual innocence, the court may award the petitioner a maximum of \$100,000 in additional compensation.	Reasonable attorney's fees.	Circuit court of the circuit in which the petitioner lives or, if the petitioner lives out of state, the circuit court of the first circuit.	This law sets forth the exclusive remedy for any person seeking compensation of any kind arising from a conviction and imprisonment for crimes for which the person was actually innocent.	Petitioner must file a petition with the circuit court within two years after the conviction that is the subject of the petition is either reversed or vacated.

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
Idaho	Idaho Wrongful Conviction Act 6-3502, 3503	2021	\$62,000 for each year of wrongful imprisonment actually served. \$75,000 for each year wrongfully imprisoned on death row. At least \$25,000 for each year served on parole or for each year the individual was required to serve as a registered sex offender.	Reasonable attorney's fees not to exceed \$25,000.	District court	If a claimant in a separate civil action related to the wrongful conviction wins a monetary judgment against the state or any political subdivision, that award is deducted from the sum of money the claimant is entitled to under this section.	Must commence an action under this section within two years of the conviction being reversed or vacated or a retrial resulting in a nonguilty verdict.
Illinois	Ill Rev. Stat. Ch. 705 § 505/1, et. seq.	1945; Amended in 2009, 2011	For imprisonment of 5 years or less, a maximum award of \$85,350. For imprisonment of 14 years or less but over 5 years, a maximum award of \$170,000. For imprisonment of over 14 years, a maximum payment of \$199,150.	The wrongfully accused are to receive job search and placement services, including assessment, resume assistance, interview preparation, market information, and referrals.	Court of Claims	Not specified.	Not specified.
Indiana	IN Code § 5-2-23-3.	2019; Amended in 2022.	Award of \$50,000 per year of wrongful incarceration.	Not specified.	Criminal Justice Institute	Individual can only recover through this statute by waiving any claim against the state or any political subdivision or employee of the state.	Must apply within two years of the judgment vacating, reversing, or setting aside the person's conviction or from the date of a governor's pardon.

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
Iowa	Iowa Code Ann. § 663A.1	1997	Award of \$50 per day of wrongful imprisonment (equals \$18,250 per year).	Lost wages of up to \$25,000 per year. Reasonable attorney's fees.	State district court	Does not preclude any action based on any negligent or wrongful acts or omission which arose during the period of the wrongful imprisonment, but which are not related to the facts and circumstances underlying the conviction or proceedings to obtain relief from conviction.	Must file within two years of a court order adjudging the individual to be a wrongfully incarcerated person.
Kansas	KS HB 2579	2018	\$65,000 for each year of wrongful imprisonment. No less than \$25,000 for each additional year served on parole or post release supervision or for each year the individual was required to register as a sex offender.	Reasonable attorney's fees, tuition assistance, state health care benefits, reentry services, expunction of criminal record.	Trial court.	If the claimant has won a monetary award or settlement against the state for the wrongful incarceration, that amount is to be deducted from the compensation provided by this statute.	Must be filed within two years after finding that the person was wrongfully incarcerated.
Kentucky	Kentucky currently does not have a statute to compensate those who were wrongfully convicted. House Bill 571 is currently pending in the state legislature after being introduced in February of 2023. The bill would allow claimants to bring an action in circuit court in the county the wrongful conviction occurred if they were wrongfully imprisoned. Such a claim must be brought within two years of a decision establishing that the individual was wrongfully convicted. The bill allows for compensation of \$65,000 for each year of imprisonment, \$75,000 for each year of imprisonment if the claimant was imprisoned on death row, and \$25,000 for each additional year the individual served on parole, on post incarceration supervision, or was required to register as a sex offender. The bill also allows for funds for counseling, housing assistance, attorney's fees, financial literacy assistance, insurance, physical and mental healthcare, and 120 credit hours at any public postsecondary educational institution. Winning an award in a civil case off sets the compensation from this bill by the amount won civilly.						

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Louisiana	LA Rev. Stat. §	2018	\$25,000 per year wrongfully incarcerated with a maximum cap of \$250,000 awarded.	An additional \$80,000 may be paid to pay the costs of job skills training for three years, for appropriate medical and counseling services, or for tuition and fees at public universities.	District court in which the original conviction was obtained	Permits additional civil litigation	Must file within two years of the conviction being reversed or vacated.
Maine	14 Me Rev. Stat. Ann. § 8241-8244	1993	Jury determines the amount to award; cannot exceed \$300,000	Not specified.	Superior court	Not specified.	Not specified.
Maryland	Md State Fin & Proc § 10-501	1999; Amended in 2003; 2017; 2021.	Board of Public Works will compensate wrongfully convicted individual in amount equal to the product of the total days the individual was wrongfully confined multiplied by a daily rate of the State's most recent annual median household income.	State will also provide the individual with a state identification card, housing accommodations for a period not exceeding five years, education and training, health care and dental care, access to enrollment and payment of tuition at a regional higher education center, and reimbursement for court fines, fees, and restitution.	Board of Public Works	The amount owed to an individual from this statute is reduced by any award given to the individual in a civil proceeding.	Must be filed within two years of the conviction being vacated, pardoned, or reversed.

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
Massachusetts	MA Gen'l Laws, Ch. 258D § 1-9	2004; Amended in 2018.	Jury determined the amount to give; cannot exceed \$1,000,000 as an award.	The court may require the state to provide the claimant with services reasonable and necessary to address any deficiencies in the individual's physical and emotional condition and waive tuition and fees for the claimant for any educational services from a state or community college in the state.	Superior court in the county where the claimant was convicted.	Permits additional civil action	Must file within two years of the conviction being reversed or vacated.
Michigan	MCL – Act 343 of 2016 Ch. 691, et seq.	2016`	\$50,000 per year of wrongful confinement.	Reasonable attorney's fees and reimbursement of amount collected by the state in court fees or restitution.	Court of claims	Prohibits state court claims but allows federal claims.	Must be filed within 3 years of the conviction being overturned or vacated.
Minnesota	M.S.A. § 590.11 & §	2014; Amended 2019	\$50,000 per year of wrongful incarceration; \$25,000 per year served on parole, supervised release, or as a registered sex offender.	Additional economic damages can be awarded for lost wages, reimbursement for medical and dental expenses, reimbursement for tuition and fees paid to an educational program, reimbursement for child support payments owed that became due, and reimbursement for reintegrative expenses such as housing, transportation, and medical costs.	Original district court where the original conviction was obtained.	Any award of damages to such person in an action against the State or any political subdivision thereof or against any employee of the State or any political subdivision thereof with respect to the same matter shall be offset by any award of damages awarded under this act.	Not specified.

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
Mississippi	MS ST § 11-44-1, et seq.	2009	\$50,000 for each year of wrongful incarceration; max of \$500,000. No compensation for preindictment detention.	Reasonable attorney's fees.	Circuit court of country in which claimant was convicted	This procedure takes the form of a civil lawsuit against the state; additional lawsuit against municipalities likely permitted.	Must be filed within three years of conviction being vacated or reversed
Missouri	MO Rev. Stat.	2021	\$100 per day of each day of imprisonment but no more than \$36,500 per year of incarceration.	Not specified.	Court where individual was previously sentenced	Prohibits individual seeking compensation from this statute from civil remedies against the states, its departments, or its officers.	Not specified.
Montana	Mont. HB 92	2003; Amended in 2021.	\$60,000 for each year of wrongful incarceration. \$25,000 for each additional year served on parole or probation or for each year the claimant served as a registered sex offender.	Tuition assistance, state funded medical insurance, reasonable attorney's fees, and expungement of record.	District court	Bars civil litigation	Must be filed within three years of pardon being granted or reversal or vacating of conviction.
Nebraska	NE ST 29-4601, et seq.	2009	Jury calculates actual damages with a cap of \$500,000.	Not specified.	File a claim under the State Tort Claims Act in trial court.	Takes the form of civil litigation against the state; likely permitted against municipalities	Not specified.

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
Nevada	NV A.B. 104; NRS 41.910	2019; Amend- ed in 2021.	\$50,000 per year for wrongful conviction of 1-10 years,\$75,000 per year for wrongful con- viction of 10-20 years, \$100,000 for wrongful conviction of 20+ years. \$25,000 for each year the person was on parole, under supervision, or was required to register as a sex offender	Payment for the cost of tuition and educational expenses for schooling in Nevada system of higher education, state health care program, counsel- ing services, med- ical care, housing assistance, and financial literacy assistance.	The court where the underlying criminal action commenced from	Any award in a civil action offsets the amount recovered under this statute	Must file within three years of order vacating or reversing conviction
New Hamp- shire	NH Stat § 541- B:14	1977; Amend- ed in 2010	Damages are cal- culated as part of civil suit against the state- damag- es cannot exceed \$20,000.	Not specified.	Board of claims	Does not bar additional civil action against other states.	Must file within three years of convic- tion being vacated or reversed or pardon being granted.
New Jersey	NJ Stat Ann §§ 52:4C1 to 4C-7	1997; Amend- ed 2013	Either \$50,000 per year of wrongful incarceration or twice the claimant's income in the year prior to his incarceration, whichever is greater.	Court can award non-monetary relief specified in complaint, in- cluding vocational training, tuition assistance, coun- seling, housing assistance, and health insurance coverage.	Superior Court	Any award under this statute is offset by any award in a civil matter.	Must be brought within two years of conviction being over- turned or vacated.
New Mexico	There is currently no statute regarding compensating wrongfully incarcerated individuals in New Mexico. There is currently no pending legislative proposal for such a statute. Claims can be made directly against the state in civil cases.						

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
New York	NY Ct. of Claims Act § 8-b	1984; Amended in 2007	Damages are calculated as part of civil litigation – no cap on damages.	Not specified.	Court of Claims	Not specified.	Must be brought within two years of conviction being vacated or reversed.
North Carolina	NC Gen Stat §§ 148- 82 to 148- 84	1947; Amended in 2008	\$50,000 per year of wrongful incarceration with a max of \$750,000. A pardon from the governor is required.	Award may also include job skills training for at least one year, reimbursement at any state college or community college	Industrial Commission makes a recommendation to the Governor	Not specified	Must be brought within five years of pardon being granted
North Dakota	There is no wrongful incarceration compensation statute in North Dakota. There is no currently pending legislative action introducing such a statute.						
Ohio	Ohio Rev Code Ann §	1986; Amended in 2002, 2010, and 2018	\$40,350 per year of wrongful confinement.	Lost wages, salary, or earned income that resulted from the wrongful conviction. The Department of Rehabilitation and Correction can recover certain costs from the wrongfully incarcerated person- such as the cost of housing and supervising them.	Court of Claims	Not specified	Must be filed within two years of conviction being vacated or reversed.
Oklahoma ¹⁵	51 Okl. St. Ann. § 154	1978; Amended in 2003, 2023	Calculated as part of litigation with max damages of \$175,000.	Not specified.	Board of Claims	Not specified.	Not specified.

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
Oregon	Oregon Senate Bill 1584	2022	\$65,000 for each year of wrongful imprisonment. \$25,000 per year of wrongfully serving on parole, supervised release, or as a registered sex offender.	Not specified.	Circuit Court in Marion County or in the circuit court for the county of conviction.	An award under this statute is offset by any award gained in a separate civil case	Must be filed within two years of conviction being vacated or reversed or pardon being granted.
Pennsylvania	There is currently no wrongfully incarcerated compensation statute in Pennsylvania. There is currently a pending bill that would provide such a statute introduced in 2023, Pennsylvania HB 1470. This bill would allow for a six year statute of limitations to file a claim. The bill proposes \$100,000 per year of wrongful incarceration while on death row, \$75,000 per year of wrongful incarceration for any other sentence, and \$50,000 for each year spent on parole or probation. The bill would also allow for reimbursement on reintegrative services and mental and physical health care costs of the exoneree. It also includes a provision allowing for payment to the family of a deceased exoneree.						
Rhode Island	2021- H 5470 Substitute B	2021	\$50,000 per year of wrongful incarceration. This can be increased at the discretion of the court.	Release from child support payments that became due during incarceration, access to any services provide by the state for formerly incarcerated individuals, reasonable attorney's fees.	Superior Court	Any award under this statute is offset by any award or settlement in separate civil litigation	Must be filed within three years of the conviction being vacated or reversed or the pardon being granted.
South Carolina	There is currently no wrongful compensation statute in South Carolina. There is currently a pending bill in the state legislature introduced in 2023- HB. 3546. This bill would allow for a wrongfully incarcerated person to be awarded \$25,000 for each year of wrongful incarceration, as well as reasonable attorney's fees.						
South Dakota	There is currently no wrongful incarceration compensation statute in South Dakota. There is currently no pending bill in the state on compensating wrongfully incarcerated individuals.						
Tennessee	Tenn Code Ann §9-8-108	1984, amd. 2004; 2010; 2012; 2013	The board reaches a decision on compensation based on numerous factors, including: the person's mental and physical suffering and loss of earnings. The total award cannot exceed \$1,000,000.	Not specified.	Determined by Board of Claims	Not specified.	Must be brought within one year of the claimant being exonerated.

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
Texas	Tex Code Ann §§	2001; Amend- ed in 2011, 2023	\$80,000 for each year of wrongful imprisonment. \$25,000 for each year wrongfully served on parole or as a registered sex offender.	Tuition for up to 120 credit hours.	Comptroller's judiciary sec- tion	Not speci- fied.	Must be brought within three years of the conviction being over- turned or reversed.
Utah	78-35a- 405	2008; Amend- ed in 2011, 2012, 2021	Amount individual can receive is equal to the mon- etary equivalent of the average annual nonagri- cultural payroll wage in Utah, with a max of 15 years.	Not specified.	District court where con- viction was obtained.	Does not bar future litigation against other parties.	Must file within one year of final judgment on individ- ual's being wrongfully incarcer- ated
Vermont	13 V.S.A Chptr. 182	2007; Amend- ed in 2014	Individual can be awarded a mini- mum of \$30,000 to a maximum of \$60,000 per year of wrongful incarceration.	Economic damages for lost wages, 10 years of eligibility for state-funded health coverage, compensation for reintegrative ser- vices and mental and physical health care costs, and reasonable attorney's fees.	Washington County Superi- or Court	Additional litigation against mu- nicipalities and other parties likely allowed.	Must be brought within three years of the judg- ment exon- erating the individual.
Virginia	8.01- 195.10, et seq	2004; Amend- ed in 2010, 2012, 2014	Individual can receive 90% of the VA per capital personal income for each year of wrongful incarcer- ation.	Reimbursement for up to \$10,000 for tuition for ca- reer and technical training within Vir- ginia community college system.	General As- sembly	Bars addi- tional litiga- tion against the state or other parties.	Not speci- fied.

Jurisdiction	Statute	Year	Compensation Amount Per Year	Non-monetary Services	Court or Party Adjudication of Claims	Offset Civil Claims	Time Limit to File
Washington	RCWA	2013	\$50,000 for each year of wrongful imprisonment. \$25,000 for each year served wrongfully on parole, community custody, or as a registered sex offender.	Compensation for child support payments owed by claimant during incarceration; reasonable attorney's fees.	Superior Court	Court may not offset award based on additional litigation against the state or other parties.	Must be brought within three years of the granting of a pardon.
West Virginia	West Virginia Senate Bill 529	1987; Amended in 2020	Court has discretion to award the claimant damages in a sum of money as the court determines will fairly and reasonably compensate the claimant.	Not specified	Court of Claims	Serves as litigation against the state, other litigation against other parties not specified.	Must be filed within two years after exoneration.
Wisconsin	Wis Stat § 775.05	1913, Amended in 1979, 1987	\$5,000 per year of wrongful incarceration with a max of \$25,000 for total compensation. The board can petition the legislature for additional funds	Not specified	Claims Board	Not specified	Not specified
Wyoming	There is currently no wrongful incarceration compensation statute in Wyoming. There is no current legislation for a wrongful incarceration compensation statute in Wyoming.						
Federal statute	28 USC § 1495 & § 2513	1948; amd. 2004	Up to \$50,000 per year or wrongful incarceration. \$100,00 per year for each year wrongfully on death row.	Not specified.	U.S. Court of Federal Claims	Not specified	Not specified

References

¹ Jeannie Nauchek, *Wrongful Conviction Clinic Secures Exoneration, Pardon of Innocence for Ronnie Long*, Duke Law Magazine, Winter 2021.

² Id.

³ Associated Press, *North Carolina Man Settles for Millions After Wrongful Convictions*, January 10, 2024, at <https://www.npr.org/2024/01/10/1223886402/north-carolina-man-settles-millions-after-wrongful-conviction>.

⁴ See, e.g. Adele Bernhard, *When Justice Fails: Indemnification for Unjust Conviction*, 6 U. Chi. L. Sch. Roundtable 73, 93 (1999); Shawn Armbrust, Note, *When Money Isn't Enough: The Case for Holistic Compensation of the Wrongfully Convicted*, 41 Am. Crim. L. Rev. 157, 166 (2004).

⁵ Edwin M. Borchard, *Convicting the Innocent: Errors of Criminal Justice* xiii (1932). For early scholarship, see also Joseph H. King, Jr., Comment, *Compensation of Persons Erroneously Confined by the State*, 118 U. Pa. L. Rev. 1091, 1092 (1970).

⁶ Brandon L. Garrett, *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* 235 (2011).

⁷ 28 U.S.C. § 2513(e). See also id. at Sec. 432 (“It is the sense of Congress that States should provide reasonable compensation to any person found to have been unjustly convicted of an offense against the State and sentenced to death.”).

⁸ See Am. Bar Ass’n, Section of Criminal Justice, Report to the House of Delegates (2005), at http://www.Americanbar.Org/Content/Dam/Abapublishing/Criminal_Justice_Section_Newsletter/Crimjust_Policy_My05108a.Authcheckdam.pdf; The Innocence Project, M Odel Legislation, 2011 State Legislative Sessions: An Act Concerning Claims For Wrongful Conviction and Imprisonment (2010), at http://www.innocenceproject.org/Docs/2011/Modelbills/Compensation_M Odel_Bill_2011.pdf.

⁹ Gabrielle Emmanuel, *When Innocent People Go To Prison, States Pay*, NPR, June 16, 2014, at <https://www.npr.org/sections/money/2014/06/16/320356084/when-innocent-people-go-to-prison-states-pay>.

¹⁰ National Landscape of Compensation, 2019, at <https://leg.mt.gov/content/Committees/Interim/2019-2020/Law-and-Justice/Meetings/June-2019/LJIC-June28-2019-Ex19.pdf>.

¹¹ National Registry of Exonerations, Posthumous and Historical Exonerations, UNIVERSITY OF MICHIGAN LAW SCHOOL, Feb. 8, 2023, <https://www.law.umich.edu/special/exoneration/Documents/Posthumous&HistoricalExons.FINAL.2.8.23.pdf>.

¹² Maurice Possley, *Timothy B. Cole*, NATIONAL REGISTRY OF EXONERATIONS, Mar. 10, 2015, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3114>.

¹³ Id.

¹⁴ Sean Beherec, *For wrongly convicted, no state payout*, Ark. Democrat Gazette (July 28, 2014), <https://www.arkansasonline.com/news/2014/jul/28/for-wrongly-convicted-no-state-payout-2/>.

¹⁵ There is currently a pending bill to change the compensation in Oklahoma to award a wrongfully incarcerated person \$50,000 per year instead of a max of \$125,000. Okla. HB 2773.

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