



RESTORING INNOCENCE

Wisconsin Must Adequately Compensate the Wrongly Convicted

“Without such support, a wrongly convicted person might never be able to establish roots that would allow him to contribute to society. To help repair the lives that are shattered by wrongful convictions, the bill raises the Federal cap on compensation, and urges states to follow suit...It is the very least that Congress should do.”

– Senate Judiciary Committee Report, Prior to Unanimously Passing 2004 Innocence Protection Act



Exoneration is just the beginning. Most wrongfully convicted individuals face great hardships upon release. They typically have few resources to draw upon and their families have incurred enormous attorneys’ fees related to their cases. While in prison, they miss out on educational opportunities, job training, career advancement, and often, the chance to start a family. They have no way to cope with their experience in prison. **Exonerees who are compensated above \$500,000 commit offenses at a significantly lower rate than those who are either not compensated or compensated below \$500,000.**

CURRENT WISCONSIN LAW:

Insufficient monetary compensation

- Wisconsin’s compensation statute is over 100 years old. It has not been adjusted in over 25 years.
- Provides \$5,000/year, which is the lowest in the country.
- Caps total awards at \$25,000, which is the second lowest cap in the country.
- Requires a lengthy and burdensome process to receive available compensation.

Lack of social services and support

- Offers no housing, employment, education, medical or counseling services.
- Does not establish a procedure to expunge criminal records.

Yearly Compensation for the Wrongly Convicted

State	Compensation Per Year
Texas	\$80,000
Utah	\$55,974
Virginia	\$51,911
Alabama	\$50,000
Florida	\$50,000
Mississippi	\$50,000
Federal	\$50,000
Ohio	\$40,330
California	\$36,500
Nebraska	\$25,000
New Jersey	\$20,000
Missouri	\$18,250
Louisiana	\$15,000
WISCONSIN	\$5,000

National Trends

President George W Bush endorsed a law establishing federal compensation rates of up to \$50,000/year of wrongful conviction.

Florida caps compensation at \$2 million and reimburses for fines and court costs.

Texas provides \$80,000/year plus an \$80,000 annuity, a 120hr tuition waiver for higher education, a case manager, reentry services, and assistance obtaining mental health, physical health, and dental care.

New Jersey is poised to increase compensation from \$20,000/year to \$50,000/year.

WRONGLY CONVICTED REENTRY ACT: LRB-2091/2

- Increases compensation from \$5,000/year to the federal standard of \$50,000/year, removes the overall cap and indexes the amount for inflation.
- Reimburses attorney and court fees related to defense and postconviction relief.
- Provides transitional assistance and social services immediately upon release.
- Automatically expunges criminal records and removes them from CCAP.
- Establishes a preponderance of the evidence burden of proof for the claim—the standard of proof in civil cases.
- Provides an efficient claims process through Division of Hearings & Appeals.
- Only those who are *actually innocent* are eligible for compensation. **Those who commit a subsequent violent felony are ineligible.**