

COMPENSATION STATUTES: A NATIONAL OVERVIEW

The Registry regularly updates this list, but statutes can be amended at any time. In addition, because this list was put together to give streamlined information on state statutes, it may not be exhaustive. For the most up to date and precise information, please check the individual statutory codes. Most state codes can be found on the state’s official government website.

This table was originally created by Professor Adele Bernhard and the [Innocence Project](#). We are deeply grateful for their work in compiling these statutes.

Last updated: June 2, 2022

| STATE | STATUTE | WHEN PASSED | ELIGIBILITY | STANDARD OF PROOF | WHO DECIDES | TIME LIMITS FOR FILING | AWARD | ADDITIONAL AWARDS | FUTURE CIVIL LITIGATION | CONTRIBUTORY PROVISIONS |
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| AL | Ala. Code 1975 § 29-2-150, et seq. “Committee on Compensation for Wrongful Incarceration” | 2001 | Conviction vacated or reversed, and charges dismissed on grounds consistent with innocence. | Not specified | State Division of Risk Management and the Committee on Compensation for Wrongful Incarceration. | 2 years | Min: \$50,000/year; Committee on Compensation for Wrongful Incarceration can recommend discretionary amount in addition to base, but legislature must appropriate funds. | Not specified | Not specified | A new felony conviction will end a claimant’s right to compensation. |
| AK | NONE | | | | | | | | | |
| AZ | NONE | | | | | | | | | |

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| AR | NONE | | | | | | | | | |
| CA | Cal Penal Code §§ 4900, et seq.; § 3007.05; § 1485.55 “Indemnity for Persons Erroneously Convicted and Pardoned” | 1913; 1966; 2000; 2006; 2009; 2013; 2014; 2015; 2016; 2019; 2021 | Pardon for innocence; Declaration of factual innocence; Conviction reversed, and charges dismissed, or retrial ended in acquittal. | Factual innocence is binding on the compensation board; Automatic compensation recommendation, absent Attorney General challenge, for applicants with successful writ of habeas corpus; motion to vacate; dismissed charges; or acquittal on retrial; Attorney General Challenge- must prove by clear and convincing evidence that the claimant committed the acts.. | California Victim Compensation and Government Claims Board makes a recommendation to the legislature. | 10 years | \$140/day In addition to any other payment to which the person is entitled to by law, a person who is exonerated shall be paid the sum of one thousand dollars (\$1,000) upon release, from funds to be made available upon appropriation by the Legislature for this purpose. A person who is exonerated shall be paid the sum of five thousand dollars (\$5,000) upon release, to be used for housing. The exonerated person shall also be entitled to receive direct payment or reimbursement for reasonable housing costs for a period of not more than four years following release from custody. | The Department of Corrections and Rehabilitation shall assist with: (1) Transitional services, including housing assistance, job training, and mental health services, as applicable. The services shall be offered within the first week of an individual's exonerated and again within the first 30 days of exonerated. Services shall be provided for a period of not less than six months and not more than one year from the date of release unless the exonerated person qualifies for services beyond one year under existing law. (2) Enrollment in the Medi-Cal program (3) Enrollment in the CalFresh program (4) Referral to the Employment Development Department and applicable regional planning units for workforce services. (5) Enrollment in the federal Supplemental Security Income benefits program. | Not specified | Requires the board to deny a claim if the board finds by a preponderance of the evidence that a claimant pled guilty with the specific intent to protect another from prosecution. |

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| CO | C.R.S.A. § 13-65-101, et seq. “Compensation for Certain Exonerated Persons” | 2013; 2017; 2018 | Finding of actual innocence. | Clear and convincing | District court in the county in which case originated. | 2 years | <p>\$70,000/year.</p> <p>Additional \$50,000/year on death row;</p> <p>Additional \$25,000/year on parole, on probation, or as a registered sex offender after a period of incarceration;</p> <p>Compensation for child support missed while incarcerated;</p> <p>Reasonable attorneys’ fees.</p> | <p>Healthcare from the state of Colorado;</p> <p>Each institution of higher education in the state shall waive all tuition costs, including any mandatory fees associated with attendance at the institution, for claimant and for children of claimant or custodial child of claimant.</p> | Not specified | <p>A claimant cannot be compensated for those years when claimant was concurrently serving a sentence for an unrelated offense;</p> <p>In each year in which claimant receives any annual payment from the state court administrator, the claimant’s annual payment shall be reduced by ten thousand dollars if claimant fails to present to the state court administrator a policy or certificate showing that claimant has purchased or otherwise acquired a qualified health plan for claimant or dependents that is valid for at least six months;</p> <p>The claimant is required to complete a personal financial management instruction course before the state court administrator may issue to claimant more than one annual payment of monetary compensation or a lump-sum payment.</p> |

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| DC | DC ST § 2-421, et seq. “Unjust Imprisonment” | 1981; 2017; 2021 | Pardon for innocence; Conviction reversed or set aside on the grounds that claimant is not guilty. | Clear and convincing | The Office of Victim Services and Justice Grants; If denied a petitioner may seek Mandamus relief in the superior court which affords de novo review. | Not specified | \$200,000/year; Additional \$40,000 for each year served on parole, probation, supervised release, or as a registered sex offender; Reimbursement for child support payments that were not paid, and attorneys’ fees associated with them; Reimbursement for attorneys’ fees; No punitive damages. In addition, within 21 days after a petition for compensation is approved, the claimant will receive \$10,000 to assist in immediately securing services such as: housing; transportation; subsistence; re-integrative services; and mental and physical health care; | Physical and mental health care for the duration of the claimant’s life through automatic participation in comprehensive community-centered health care and medical services system; Reimbursement for any tuition and fees for the claimant’s education, vocational or employment skills development program. | Not specified | Claimant must show that claimant did not, by claimants misconduct, bring about the prosecution, and claimant must not have pled guilty. |

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| FL | FL ST 961.01, et seq. “Victims of Wrongful Incarceration Compensation” | 2008; 2013; 2014; 2017 | Certification by prosecuting authority that claimant is innocent, that no further criminal proceeding will be initiated, and no questions of fact remain; and that the claimant is not ineligible for compensation. | preponderance of the evidence that claimant does not qualify for compensation; This finding goes to an administrative law judge as a recommendation; Any questions of fact, the nature, significance or effect of the evidence of actual innocence, and the claimant’s eligibility for compensation under this act must be established by clear and convincing evidence by the claimant before an administrative law judge. | Trial court – can consider claim even if prosecuting authority does not certify innocence; Claim is then sent to admin. law judge for factual determination of innocence; That finding is sent to a trial judge who can adopt those findings or not; It then sends this rec. to the original sentencing court who can accept or deny the recommendation. (no standard given). | Claimant must file w/in 90 days after order vacating conviction for a declaration of wrongful conviction. THEN: 2 years | \$50,000/year, adjusted for cost of living increases, Cap: \$2 million; Court costs; Reasonable attorneys’ fees; Any fines or costs imposed. | 120 hours of tuition at a career center, community college or state university. | Barred | Must not have been convicted of a felony before or during the wrongful incarceration. |
| GA | NONE | | | | | | | | | |
| HI | 2016 Hi. ALS 156 “An Act Relating to Wrongful Imprisonment” | 2016 | Pardoned on actual innocence grounds; Conviction reversed or vacated on actual innocence grounds. | Preponderance | Circuit court where claimant lives; or the circuit court for the first circuit (if claimant lives out of state). | 2 years | \$50,000/year; Max. additional \$100,000 for special circumstances; \$10,000 for attorneys’ fees. | Not specified | Barred | A claimant cannot be compensated for those years claimant was concurrently serving a sentence for an unrelated offense, or if the state proves by a preponderance of the evidence that the claimant conspired, attempted, solicited, or assisted in the commission of the crime. |

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| ID | Idaho Code, ch. 35 § 6–3501, et. seq. “Idaho Wrongful Conviction Act” | 2021 (SB 1027) | Conviction vacated or reversed, and charges dismissed, or retrial ended in acquittal. | Preponderance | Must file the claim for compensation in civil district (state) court. | 2 years; or for actions before this 2021 enactment: 2 years from enactment (2023). | \$62,000/year (including time awaiting trial); or \$75,000/year if claimant was imprisoned on death row; Additional No less than \$25,000/year on parole, or required to register as a sex offender (Whichever period of time is greater will control); Reasonable attorneys’ fees. *Burden is on claimant to establish correct number of days to be compensated. | Reentry services through the department of corrections. | Any civil award or settlement (less attorneys’ fees and costs) will be deducted from the statutory award. | A claimant shall not prevail on a claim brought pursuant to this chapter if the state shows by a preponderance of the evidence that a claimant pled guilty with the specific intent to protect another party from prosecution. Claimant was not an accessory or accomplice to the acts that were the basis of the conviction; |
| IL | 705 Ill. Comp. Stat. Ann. 505/8 (c) “Court of Claims Act” | 1945; 2009; 2011; 2018 | Pardon for Innocence; Certificate of innocence. | Preponderance | Court of Claims | 2 years after issued a certificate of innocence as provided in Section 2-702 of the Code of Civil Procedure or is granted a pardon by the Governor. | Incarcerated for: ≤5 yrs., \$85,350 Max., ≤14 yrs., \$170,000 Max., >14 yrs., \$199,150 Max., with cost of living increase; Attorneys’ fees not more than 25% of overall award. | 20 Ill. Comp. Stat. Ann. 1015/2 provides that the claimant receive job search and placement services, including assessment, resume assistance, interview preparation, occupational and labor market information, referral to employers with job openings. | Not specified | Not specified |

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| IN | Ind. Code § 5-2-23-1 et seq. “Restitution for Wrongly Incarcerated Persons” | 2019, 2021, 2022 | Pardon; Conviction vacated, reversed, or set aside (acquittal on remand is not enough). | Preponderance | The criminal justice institute. (Judicial review is available for appeal) | 2 years | Max. \$50,000/year (serving a concurrent sentence will not result in a higher award); No compensation for pretrial detention, home detention, or work release. | Claimant is eligible for any program, service, or treatment that is designed to provide rehabilitation or reintegration services to an incarcerated person. | Barred Claimants who received restitution or damages concerning the conviction (public or private) in another way are not eligible for the statutory award. | Claimant is not entitled to compensation for the part of a sentence that is served concurrently with a sentence for a conviction that is not vacated; Claimant did not commit, take part in, plan, prepare for, or participate in the planning or preparation of any criminal act in connection with the offense |

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| IA | Iowa Code Ann. § 663A.1 “Wrongful Imprisonment – Cause of Action” | 1997 | Conviction vacated, dismissed, or reversed and charges dismissed, or retrial ended in acquittal. | Clear and Convincing | District Court for liability; State Appeal Board or Civil Ct. for Damages. | 2 years | \$50/day; And lost wages up to \$25,000/year; Reasonable attorneys’ fees. | Not specified | Bars suits against the state or an employee; Does not preclude any action based on any negligent or wrongful acts or omissions 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 the conviction. | Claimant must not have pled guilty. |

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| LA | La R.S. 15:572.8 “Compensation for Wrongful Conviction and Imprisonment” | 2005; 2007; 2008; 2011; 2012; 2019; 2020; 2021 | Conviction vacated or reversed, and claimant “has proven” factual Innocence. | Clear and Convincing | District court where convicted, compensation trial is a bench trial. | 2 years. *Those that received compensation before July 1, 2022, may before July 1, 2023, apply for supplemental compensation; If they do not apply before July 1, 2023, the supplemental claim is barred. | *\$25,000/year, Cap: \$250,000 Those seeking compensation after July 1, 2022, \$40,000/year, Cap: \$400,000. To be paid out as \$40,000 annually. After July 1, 2022, a claimant may choose to get a lump sum of \$250,000 in lieu of receiving \$40,000 per year; | In addition to the statutory award provided the court shall order that the petitioner receive eighty thousand dollars total in compensation for the loss of life opportunities resulting from the time spent incarcerated and to cover expenses relating to job skills training, education, housing, and any other services the wrongfully convicted person may need. | Permits | A claimant shall not be entitled to compensation for any portion of a sentence in prison during which claimant was also serving a concurrent sentence for the conviction of another crime. |
| ME | 14 Me Rev Stat Ann § 8241, et. seq. “Wrongful Imprisonment” | 1993 | Pardon for innocence (with a written finding of innocence by the governor) and a court also finds the claimant innocent. | Clear and convincing | Superior Court | 2 years | Cap: \$300,000; No punitive or exemplary damages. | Not specified | Not specified | Not specified |

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| MD | Md State Fin & Proc § 10-501 “Payment to Individuals Convicted, Sentenced, and Confined in Error” | 1999; 2003; 2017; 2021 | Pardon stating that the individual's conviction has been shown conclusively to be in error; Conviction vacated or reversed, and charges dismissed, or retrial ended in acquittal. | Clear and Convincing | Administrative Law Judge (the decision may be appealed by either party) | 2 years; A claimant convicted, confined, and released from confinement before July 1, 2021, who has not previously received compensation under this section, may petition for an order under subsection (b) of this section not later than June 30, 2023; A claimant who was awarded compensation under this section on or before July 1, 2005, may request an order for supplemental compensation in the amount authorized by this section on or before July 12, 2023. | An amount equal to the product of the total number of days that claimant was wrongfully confined after the erroneous conviction, multiplied by a daily rate of the State's most recent annual median household income as published in the American Community Survey of the U.S. Census Bureau in the year the order of and divided by 365 days to the nearest whole cent; Reasonable attorneys' fees; Reimbursement for court fines, fees, and restitution paid. | Housing accommodations for a period of at Max. 5 years; Education and training relevant to life skills, job and vocational training, or financial literacy for a period of time until the claimant elects to no longer receive the education and training; Health care and dental care for at least 5 years; Access to enrollment at and payment of tuition and fees for attending a public senior higher education institution, a regional higher education center, or the Baltimore City Community College for a period of enrollment not exceeding 5 years. | If claimant wins another claim or settlement the amount will be deducted or repaid to the statutory award. | A claimant shall not be entitled to compensation for any portion of a sentence in prison during which claimant was also serving a concurrent sentence for the conviction of another crime; Claimant must not have committed or suborned perjury, fabricated evidence, or by the claimant's own conduct caused or brought about the conviction. |

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| MA | Ann L. MA. Gen'l Laws, Chapter 258D § 1-9 "Compensation for Certain Erroneous Felony Convictions" | 2004; 2018 | Pardon with an express writing of the governor's belief in innocence; Conviction vacated or reversed, and charges dismissed on grounds consistent with innocence or retrial ended in acquittal. | Clear and convincing | Superior Court in the county where the claimant was convicted or in Suffolk County | 3 years | Fact finder decides award; Cap: \$1,000,000; Reasonable attorneys' fees; No punitive or exemplary damages. | Court may order services – to provide the claimant with services that are reasonable and necessary to address any deficiencies in the claimant'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 commonwealth including, but not limited to, the University of Massachusetts at Amherst and its satellite campuses; After a separate hearing automatic expungement and sealing of the record. | Permits | Claimant cannot have pled guilty, unless such plea was withdrawn, vacated or nullified by operation of law; Claimant must have been incarcerated solely on the basis of the conviction for the offense that is the subject of the claim; Claimant did not commit the crimes or crime charged in the indictment or complaint or any other felony arising out of or reasonably connected to the facts supporting the indictment or complaint, or any lesser included felony; A Claimant shall not be entitled to compensation for any portion of a sentence in prison during which claimant was also serving a concurrent sentence for the conviction of another crime. |
| MI | MCLS § 691.1751, et seq. "Wrongful Imprisonment Compensation Act" | 2016; 2017; 2020 | Conviction vacated or reversed and charges dismissed, or retrial ended in acquittal; New evidence proves innocence that results in a pardon or acquittal at retrial. | Clear and convincing | Not specified | 3 years | \$50,000/year; Reimbursement of any amount collected by the state; Reasonable attorneys' fees (actually paid). | Records expunged | Bars state claims; Permits federal claims. | A Claimant shall not be entitled to compensation for any portion of a sentence in prison during which claimant was also serving a concurrent sentence for the conviction of another crime. |

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| MN | M.S.A. § 590.11 & § 611.362, et seq. “Claim for Compensation Based on Exoneration” | 2014; 2019 | Conviction vacated or reversed, on grounds consistent with innocence and charges dismissed; or at new trial had charges dismissed or was acquitted; or the time for appeal of the order resulting in exoneration has expired or the order has been affirmed and is final. | Unless otherwise ordered by the court, the burden of proof of the facts alleged in the petition shall be upon the petitioner to establish the facts by a fair preponderance of the evidence. (§ 590.04) | District court where original conviction occurred. (May be appealed) A compensation panel appointed by the Chief Justice of the MN supreme court. | To district court: within 2 years, but no less than 60 days after the petitioner is exonerated. To court of claims: 60 days from when the district court issues an order. Or 3 years if notice of grant of order was not given. | Min. \$50,000/year Max. \$100,000/year; Additional Min. \$25,000/year Max. \$50,000/year served on parole, probation, or as a registered sex offender; Reasonable attorneys’ fees; May include: paid or unpaid child support payments; Economic damages, associated with the claimant's criminal defense; Non-economic damages. | Award may also include reimbursement for: Medical and dental expenses; Tuition and fees associate with education at public four-year college; Costs of immediate services upon exoneration and release. | If claimant wins another claim or settlement the amount will be deducted or repaid to the statutory award. | Claimant did not commit or induce another person to commit perjury or fabricate evidence to cause or bring about the conviction; A Claimant shall not be entitled to compensation for any portion of a sentence in prison during which claimant was also serving a concurrent sentence for the conviction of another crime; Claimant cannot have pled guilty. |
| MS | MS ST § 11-44-1, et seq. “Compensation to Victims of Wrongful Conviction and Imprisonment” | 2009 | Pardon based on the innocence; Conviction vacated or reversed, and charges dismissed, or retrial ended in acquittal. | Preponderance | Circuit court in the county in which the claimant was convicted. | 3 years | \$50,000/year, Cap: \$500,000; Reasonable attorneys’ fees. (reasonable is: 10% of award if uncontested; 20% if litigated; 25% if appealed; Plus costs.) | Not specified | Claims are barred against the State of Mississippi or a political subdivision thereof under the Mississippi Tort Claims Act. | Claimant did not commit or suborn perjury, or fabricate evidence to bring about claimants conviction. |

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| MO | § 650.058 R.S.Mo. “Individuals who are actually innocent may receive restitution, amount, petition, definition, limitations and requirements — guilt confirmed by DNA testing, procedures — petitions for restitution — order of expungement” | 2006; 2016; 2019; 2021 | Claimant must be determined to be ‘actually innocent’ by DNA evidence. | DNA evidence must demonstrate innocence. | Sentencing court | 1 year | \$100/day | Expungement | Barred | A claimant shall not be entitled to compensation for any portion of a sentence in prison during which claimant was also serving a concurrent sentence for the conviction of another crime. |

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| MT | Mont. Code Ann. § 46-32-101, et seq. & § 53-1-214 “An Act Providing Compensation for People who have been Wrongly Convicted of Felony Crimes and Exonerated...” | 2003; 2021 (effective until July 1, 2023) | Pardon based on the innocence; Conviction vacated or reversed, and charges dismissed, or retrial ended in acquittal. | Preponderance | District court in which the conviction occurred (May appeal to the MT supreme court.) A claim filed under this part must be tried by a jury unless a jury trial is waived upon agreement of the parties. | 3 years; A claimant convicted, imprisoned, and released from custody before July 1, 2021, who intends to bring an action shall commence the action no later than July 1, 2024. * (4) (a) A claimant who meets the criteria in subsection (1) and intends to bring an action under [sections 1 through 8] must receive a transition assistance grant of \$5,000 from the department of corrections within 30 days of the claimant's release from imprisonment. | \$60,000/year; Additional \$25,000/year on parole or probation or required to register as a sex or violent offender (whichever is greater); Reasonable attorneys' fees Max. \$25,000. | Expungement; Destruction of any associated biological samples from the claimant; 2 years of tuition assistance at any unit or campus of the Montana university system, which must be used during the first 5 years after receiving a damages award; 1 year of state-funded medical insurance; The department of corrections shall provide a housing voucher to the claimant while an action is pending. | Barred. (Any award already given must be reimbursed) | Claimant did not aid, abet, or act as an accomplice or accessory to a person who committed the acts that were the basis of the conviction, and did not commit a lesser offense necessarily included in the crime for which the claimant was convicted; Claimant did not commit perjury, fabricate evidence, or by the claimant's own conduct cause or bring about the conviction. (A confession or admission that is later found to be false or a guilty plea that is withdrawn does not constitute committing perjury, fabricating evidence, or causing or bringing about the conviction.) |

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| NE | NE ST 29-4601, et seq. “Nebraska Claims for Wrongful Conviction and Imprisonment Act” | 2009 | Board of Pardons has pardoned the claimant; A court has vacated the conviction of the claimant; Conviction was reversed and remanded for a new trial and no subsequent conviction was obtained. | Clear and convincing (Actual damages are assessed and must be proven by a preponderance.) | Civil court (filed under the state tort claims act) | Not specified | Cap: \$500,000 | If the court finds that any property of the claimant was subjected to a lien to recover costs of defense services rendered by the state to defend the claimant in connection with the criminal case that resulted in claimant’s wrongful conviction, the court shall extinguish the lien; Nothing contained in the Nebraska Claims for Wrongful Conviction and Imprisonment Act shall preclude the state from providing services to the claimant upon exoneration, and the reasonable value of services provided shall be treated as an advance against any award or judgment under the act. | Bars state claims | That claimant did not commit or suborn perjury, fabricate evidence, or otherwise make a false statement to cause or bring about such conviction or the conviction of another, with respect to the crime or crimes under subdivision (1) of this section, except that a guilty plea, a confession, or an admission, coerced by law enforcement and later found to be false, does not constitute bringing about claimant’s own conviction of such crime or crimes; A claimant shall not be entitled to compensation for any portion of a sentence in prison during which claimant was also serving a concurrent sentence for the conviction of another crime. |

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| NV | Nev. Rev. Stat. Ann. § 41.900, et seq. “Action for Wrongful Conviction” | 2019 | Conviction vacated or reversed, and the charging document was dismissed, or retrial ended in acquittal; Pardon by the State Board of Pardons Commissioners on the grounds of innocence. | Not specified | “The court” | 2 years | Years Incarcerated: 1-10 years: \$50,000/year 11-20 \$75,000/year. 21 years or more, \$100,000/year Additional Not less than \$25,000/year on parole or not less than \$25,000/year when required to register as a sex offender. May award attorneys’ fees, not to exceed \$25,000. | The court may appoint an attorney to aid a claimant in an action brought pursuant to this section; Records are sealed; Tuition, books and fees for the claimant to enroll in any course or academic program at an institution operated by the Nevada System of Higher Education; Health insurance; Programs for reentry into the community; Counseling services; Housing assistance in an amount not greater than \$15,000/year; Programs for assistance for financial literacy. | Statutory award is offset by any civil award. | Claimant was not an accessory or accomplice to the acts that were the basis of the conviction; Did not aid, abet or act as an accomplice or accessory to a person who committed the acts that were the basis of the conviction; The claimant did not commit perjury or fabricate evidence at the criminal proceeding that brought claimant’s felony conviction and the claimant did not by claimant’s own conduct cause or bring about claimant’s felony conviction; A court shall not award, and a claimant shall not receive compensation for any period of imprisonment during which claimant was concurrently serving a sentence for a conviction of another offense for which the claimant was lawfully convicted and imprisoned. |

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| NH | NH Stat § 541-B:14, et seq. "Limitation on Action and Claims" | 1977; 2007 | "Found innocent" | Board must find by majority vote that claim is "justified." | Board of Claims | 3 years | Cap: \$20,000; Board may award attorneys' fees. | Not specified | Permitted but not against "agency subject to the claim" | Not specified |
| NJ | NJ Stat Ann §§ 52:4C-1 to 4C-7 "Findings, Declarations Relative to Persons Mistakenly Imprisoned" | 1997; 2013 | Pardon; Released on grounds of innocence. | Clear and convincing | Superior Court | 2 years | Twice the amount of claimant's income in the year prior to incarceration or \$50,000/year (whichever is greater); Reasonable attorneys' fees; Costs related to the litigation. | Non-monetary relief. (As sought in the complaint) | Any award of damages to claimant 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 subject matter shall be offset by any award of damages awarded under this act. | Claimant did not, commit or suborn perjury, fabricate evidence, by claimant's own conduct cause or bring about claimant's conviction, or plead guilty; (Neither a confession or admission later found to be false constitutes committing or suborning perjury, fabricating evidence, or causing or bringing about claimant's conviction under this subsection; And claimant did not plead guilty to the crime for which claimant was convicted.) A court shall not award and a claimant shall not receive compensation for any period of imprisonment during which the claimant was concurrently serving a sentence for a conviction of another offense for which claimant was lawfully convicted and imprisoned. |

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| OH | Ohio Rev Code Ann § 2305.02 & § 2743.48 “Determination of Wrongful Imprisonment Claim” “Civil Action Against State for Wrongful Imprisonment” | 1986; 1989; 1994; 2003; 2010; 2012; 2013; 2018 | Conviction vacated, dismissed, or reversed and it is not appealed, or claimant recharged within the time allotted; Violation of <i>Brady</i> resulting in a ruling that Claimant did not commit the crime, or no crime was committed. | Preponderance (<i>Walden v. State</i> , 547 N.E.2d 962) The ruling of the Court of Common Pleas is binding on the court of common claims. | Court of Common Pleas in the county where the underlying criminal action was initiated for liability (separate from action of finding guilt); Court of Claims for damages | 2 years | \$40,330/year (or amount determined by state auditor); Lost wages; Costs; Reasonable attorneys’ fees. | Not specified | If claimant wins another claim or settlement the amount will be deducted or repaid to the statutory award. | Claimant must not have pled guilty; If claimant was serving at the time of the wrongful imprisonment concurrent sentences on other convictions that were not vacated, dismissed, or reversed on appeal, claimant is not eligible for compensation as described in this section for any portion of that wrongful imprisonment that occurred during a concurrent sentence of that nature. |
| OK | 51 Okl. St. § 154(b) “Governmental Tort Claims Act” | 1978; 2003; 2021 | Pardoned on basis of actual innocence with written statement by the governor; Conviction vacated and charges dismissed on the basis of actual innocence. | Clear and convincing | State district court | No time limit | Cap: \$175,000; No punitive damages. | Not specified | Not specified | Claimant must not have pled guilty; A claimant shall not be entitled to compensation for any part of a sentence in prison during which the claimant was also serving a concurrent sentence for a crime not covered by this subsection. |

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| TN | Tenn. Code Ann § 9-8-108, subd. (A)(7) “Establishment and Operation of Board” (§ 40-27-109 for the exoneration statute) | 1984; 2004; 2010; 2012; 2013 | Granted exoneration pursuant to § 40-27-109 (exoneration by governor) | Not specified | Board of Claims | 1 year | Cap: \$1,000,000 (Board decides compensation based on any factors the Board considers relevant including, but not limited to, the claimant's physical and mental suffering and loss of earnings.) | Expungement | Not specified State retains the right of subrogation as provided by law for any amount awarded pursuant to this subdivision (a)(7) against any claimant who willfully and intentionally committed an act or engaged in conduct that directly resulted in or contributed to the wrongful conviction and imprisonment of the claimant. | Not specified |
| TX | Tex. Civ. Prac. & Rem. Code, Title 5, ch. 103, et seq. “Compensation to Persons Wrongfully Imprisoned” | 1985; 2001; 2009; 2011 | Full pardon on the basis of innocence; Granted writ of habeas corpus based on a court finding of actual innocent; District court entered an order dismissing the charge; and dismissal order was based on motion to dismiss in which the state's attorney states that no credible evidence exists that inculpates the defendant and, either in the motion or in an affidavit, the state's attorney states that the state's attorney believes that the defendant is actually innocent. | Not specified | Comptroller's Judiciary Section (purely ministerial function). (If denied claimant may bring a mandamus action) | 3 years | \$80,000/year; Additional \$25,000/year of parole or registered as a sex offender; Compensation for child support payments owed while the claimant was wrongfully incarcerated; Reintegration financial assistance, Cap: \$10,000; Reasonable Attorneys' fees; | Tuition for up to 120 credit hours, including tuition and any mandatory fees associated with attendance at the institution; Eligibility to obtain group health benefit coverage through the TX Department of Criminal Justice as if the claimant were an employee of the Department (cost will be deducted from statutory award). | Barred (See <i>State v. Oakley</i> , 227 S.W.3d 58 (Tex. 2007) [clarifying that claimant may first bring 1983 claim and then file claim under statute, but not vice versa].) | Claimant is not entitled to compensation for any part of a sentence in prison during which claimant was also serving a concurrent sentence for another crime. |

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| UT | UT Code Ann78B-9-401. et seq. “Postconviction Determination of Factual Innocence” | 2008; 2011; 2012; 2021 | District Court ruling of factual innocence based on newly discovered evidence. (enumerated under Utah 78-35a-402) | Clear and convincing | District court where conviction was rendered. | Petitioner must file for post-conviction relief (e.g. declaration of innocence) w/in 1 year of final judgment, or date on which petitioner should have known of new facts upon which petition is based - no separate limit for filing claim for compensation. | For up to 15 years for years wrongfully incarcerated, petitioner may receive the monetary value of average annual nonagricultural payroll in Utah at time of release from prison. | Expungement; Access to all State programs as if the conviction never occurred. | Not specified | Payments may be suspended if claimant is convicted of a subsequent felony; Payments shall be reduced to the extent that the period of incarceration for which the claimant seeks payment was attributable to a separate and lawful conviction. |
| VT | 13 V.S.A Ch. 182, Subch. 2, § 5572–5578 “Compensation for Wrongful Conviction” | 2007; 2014; 2015 | Pardoned; Conviction vacated or reversed and the charges dismissed, or retrial ended in acquittal. | Clear and convincing | Washington County Supreme Court | 3 years; Unless claimant was not provided with notice of the right to bring an action, in which case claimant shall be granted an additional year in which to file. | Decided by the trier of fact: Min. \$30,000/year, Max. \$60,000/year; Awards may include: Lost wages; Costs; Attorneys’ fees. | Claimant entitled to up to 10 years of eligibility for Vermont State Health Plan; Compensation for any reasonable reintegrative services and mental and physical health care costs incurred by the claimant for the time period between his or her release from mistaken incarceration and the date of the award. | Not specified | Claimant did not suborn perjury or fabricate evidence during any of the proceedings related to the crime with which claimant was charged; Claimant shall be entitled to compensation under this subchapter only for the years in which claimant would not otherwise have been incarcerated for another sentence. |

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| VA | <p>Va. Code Ann. § 8.01-195.10, et seq.</p> <p>“Compensation for Wrongful Incarceration for a Felony Conviction”</p> <p>Governed by Vermont constitution Art. IV, § 14</p> | 2004; 2010; 2012; 2014; 2021 | <p>Absolute pardon;</p> <p>Conviction vacated by DNA (§ 19.3-327.3);</p> <p>Conviction overturned by the supreme court on a Writ of actual innocence (§§ 19.2-327.2 & 19.2-327.5).</p> | Not specified | General Assembly | Not specified | 90% of the VA per capita personal income/year of incarceration | <p>Reimbursement up to \$10,000 for tuition for career and technical training in the VA Comm. College system;</p> <p>Transition assistance grant worth \$15,000, which would be deducted from any award received pursuant to the statute.</p> | Barred | <p>Claimant may not have pled guilty – unless claimant was charged with a capital offense or convicted of a Class 1 felony, a Class 2 felony, or any felony for which the maximum penalty is imprisonment for life;</p> <p>If claimant is subsequently convicted of a felony all future payments are forfeited;</p> <p>If the claimant is subsequently incarcerated, claimant forfeits the payments owed during the incarceration.</p> |

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| WA | RCWA § 4.100.010, et seq. “Wrongly Convicted Persons” | 2013 | Pardoned on grounds consistent with innocence; Conviction vacated or reversed, and charges dismissed, or retrial ended in acquittal. | Clear and convincing | Superior Court (any party may appeal; standard of review is de novo) | 3 years | \$50,000/year (including time spent waiting for trial); Additional \$50,000/year on death row; Additional \$25,000/year on parole, community custody or on a sex offender registry; Child support owed; Attorneys’ fees up to \$75,000; All court costs and fees, pre-through post-trial; May not include punitive damages. | Expungement; Record of conviction sealed; Upon request of the claimant, the court must refer the claimant to the department of corrections or the department of social and health services for access to reentry services. | Barred; If claimant wins another claim or settlement the amount will be deducted or repaid to the statutory award. | Claimant may not be currently incarcerated for any offense (while making claim); A guilty plea to a crime the claimant did not commit, or a confession that is later determined by a court to be false, does not automatically constitute perjury or fabricated evidence under this subsection; Claimant will not receive compensation for the period of time that claimant was serving a term of imprisonment or a concurrent sentence for any crime other than the felony or felonies that were the basis for the claim. |
| WV | W. Va Code § 14-2-13(a) “Claims for Unjust Arrest and Imprisonment or Conviction and Imprisonment.” | 1987; 2014; 2020 | Pardon for innocence; Conviction vacated or reversed, and charges dismissed, or retrial ended in acquittal. | Clear and convincing | Court of Claims | 2 years | Fair and reasonable damages based on claimant’s proof. | Not specified | Not specified | Not specified |

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| WI | Wis Stat § 775.05 "Compensation for Innocent Convicts" | 1979; 1987 | "Innocent of the crime for which [claimant] suffered imprisonment." | Clear and convincing | Claims Board | Not specified | "The claims board shall find the amount which will equitably compensate the petitioner" Max. \$5,000/year, Cap: \$25,000; The Board may award attorneys' fees, costs, and disbursements; If the Board finds award inadequate it may petition the legislature for a specific amount. | Not specified | Not specified | Claimant did not contribute to or bring about conviction. |
| WY | NONE | | | | | | | | | |
| US (Fed) | 28 USC §§ 1495 & 2513 "Damages for Unjust Conviction and Imprisonment" | 1948; 1954; 1982; 1992; 2004 | Pardon on grounds of innocence; Conviction reversed or set aside on grounds that claimant is not guilty or retrial or hearing ended in acquittal. | Proof of the requisite facts shall be by a certificate of the court or pardon wherein such facts are alleged to appear, and other evidence thereof shall not be received. | U.S. Court of Federal Claims | Not specified | Max. \$50,000/year, Or \$100,000/year on death row. | Not specified | Not specified | Claimant did not commit acts charged and did not by misconduct or neglect cause prosecution. |