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**Tricia Bushnell, Midwest Innocence Project Legal Director  
House Committee on Judiciary on House Bill 2611  
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We are grateful that Rep. Gonzalez has introduced this legislation to get the conversation started on compensating the wrongfully convicted in Kansas.

On December 8, 2015, Floyd Bledsoe was released after spending nearly 16 years in prison for a murder that he did not commit. He is one of an increasing group of people who has had years of his life stolen from him. Having worked closely with wrongfully convicted men and women, we are intimately involved in learning from our clients about the pain that comes from imagining what could have been. Our clients have lost time with family and friends, in many cases lost the ability to meet a partner, begin a family, develop careers, and invest in the future. Many of the innocent, including Mr. Bledsoe, had steady employment before they were incarcerated. Wrongful convictions ended their careers, deprived them of income, pensions and social security, and hurt their earning potential for the rest of their lives.

The nightmare doesn't end after exoneration because the wrongfully convicted get out of prison without money, housing, transportation, health services or insurance. No one leaves prison emotionally unscathed. Mental health experts have analogized the experience of wrongful incarceration to torture. When the state makes such a tragic mistake, it has a responsibility to make things right. While Floyd and others like him can never get back the years they lost, a compensation statute would help them to begin to rebuild their lives.

In 2004, President George W. Bush signed into law a federal compensation statute that provided \$50,000 per year of wrongful incarceration, and adjusted for inflation that now amounts to \$63,000 per year. In addition, 30 states have compensation statutes and there has been a recent trend of states enacting or amending laws to provide compensation that is equal or greater than the federal standard. For example:

- North Carolina amended its statute to compensate at \$50k per year in 2008.
- In 2009, Texas amended its statutes to compensate at \$80k per year with an additional \$80k in annuity.
- In 2013, New Jersey increased its compensation from \$20k to \$50k per year; Colorado passed a law to compensate at \$70k per year; and Washington passed a law to compensate the wrongfully convicted at \$50k per year with an additional \$50k for any years served on death row.
- Just last week, the Wisconsin Assembly unanimously voted to increase compensation to \$50,000 per year.

HB 2611 would allow for compensation based on the federal minimum wage, which is \$7.25 per hour, times 2,080 for each year of wrongful incarceration, plus costs related to the suit. This amounts to about \$15,000 per year of wrongful incarceration, which is a lower than the annual amount provided by 16 other states and lower than the federal standard. It also bars people who pled guilty, and sets a time limit of 2 years to file a claim from the time a person is released from prison, which would exclude Kansans who were exonerated in the past.



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Another recent trend in the states has been the contemplation of transitional and reentry services. Shockingly, because the wrongfully convicted are, in fact, innocent, they do not qualify for the same reentry probation and parole services the guilty receive. Indeed, in many states where the innocent have been offered those same services, they have rejected them, feeling it is a continuation of the nightmare of being regarded as guilty in the eyes of society. Given this backdrop, states have begun to carefully consider how they might best provide these sorts of services while ending the “guilt chapter” in the lives of the innocent. Vermont, for instance, provides up to ten years of medical care through the state employee health plan. Determining what services will be the best fit in Kansas will take some time, research and deliberation despite the understandable desire to provide help immediately.

This legislation offers a starting point to discuss compensation, and it will be beneficial to allow for more time and a deeper examination of the issue through an interim study. An interim study would provide an opportunity for lawmakers to look at how other states have enacted laws that provide enough funding for the wrongfully convicted to rebuild their lives while protecting the state’s financial interests. It would be an honor to participate in that process and provide any assistance or research sought by lawmakers.

Tragically, many of our clients leave prison to embark on an incredibly arduous process to rebuild their lives. While the instinct to help immediately is understandable and laudable, we ask that the time be taken to ensure a comprehensive, robust framework that will promise better outcomes for our clients. We are so grateful to Rep. Gonzalez for beginning this conversation.