

## **BILL SUMMARY**

1<sup>st</sup> Session of the 59<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB2773</b>
<b>Version:</b>	<b>PCS1</b>
<b>Request Number:</b>	<b>7551</b>
<b>Author:</b>	<b>Munson</b>
<b>Date:</b>	<b>2/20/2023</b>
<b>Impact:</b>	<b>Please see previous summary of this measure</b>

### **Research Analysis**

The PCS to HB 2773 provides that if a person qualifies for expungement based upon a determination of actual innocence or governor's pardon, the person may request a hearing to be set within 30 days after filing a petition for expungement. The court is to provide at least 10 days notice for the hearing to the interested parties. The measure modifies the criteria used to determine "actual innocence" as used when determining claims made for wrongful criminal felony convictions by removing the requirement that the person did not plead guilty to the offense charged. The measure modifies the amount that a wrongfully convicted person may be awarded by removing the \$175,000 cap and creating a formula for determination of award. The award is to be based upon \$50,000 multiplied by the number of years served in prison. If the person had been on death row, the person is entitled to an additional \$50,000 multiplied by the number of years served on death row. If a person was sentenced to parole or probation, the award is to be \$25,000 multiplied by the number of years the person was on parole or under probation. Awards may be made in standard annuity payments. The measure directs the Department of Corrections to provide information to each wrongfully imprisoned person regarding the possibility of compensation. The measure prohibits the Oklahoma State System of Higher Education or career technology districts from charging a wrongfully convicted person or their children any tuition, room and board or mandatory fees associated with attending their institution of learning.

Prepared By: Brad Wolgamott

### **Fiscal Analysis**

The measure is currently under review and impact information will be completed.

Prepared By: House Fiscal Staff

### **Other Considerations**

None.