

BILL SUMMARY

1st Session of the 60th Legislature

Bill No.:	HB2235
Version:	INT
Request Number:	11089
Author:	Rep. Munson
Date:	2/6/2025
Impact:	Higher Education System: Minimal
	DOC: Minimal
	State Budget: Increased Liability of at least \$1,000,000 per case

Research Analysis

HB 2235 provides that if a person qualifies for an expungement based on actual innocence established by DNA evidence or the person received a full pardon by the Governor for the crime, the person may request a hearing be set within 30 days after filing a petition for expungement. The court is to grant the request and provide at least 10 days notice to the prosecuting agency, the arresting agency, the Oklahoma State Bureau of Investigation, and any other person or agency whom the court has reason to believe may have relevant information related to the sealing of the record. The measure removes criteria that required persons who seek damages from the Governmental Tort Claims Act for wrongful convictions to have not plead to the offense charged or a lesser included offense. The measure modifies the amount that can be recovered under a Governmental Tort Claim by establishing that the amount is to be \$50,000 multiplied by the number of years served in prison. The measure also provides for additional compensation of \$50,000 multiplied by the number of years in prison if the person served time on death row. Persons released on parole or under conditions of probation are entitled to receive supplemental compensation of \$25,000 multiplied by the number of years under probation. The measure provides that if the award is under \$1,000,000 the claimant is to be paid in a lump sum. For greater awards, the claimant is to be paid \$1,000,000 with the remaining amount paid over a period of 3 years. The measure allows claimants to receive group health benefits as if the person were an employee of the Department of Corrections. Coverage shall be maintained for a period of time equal to the total period the claimant was incarcerated. The measure requires the Department of Corrections to provide wrongfully imprisoned persons with information regarding how to obtain compensation and a list of nonprofit advocacy groups that assist wrongfully imprisoned persons. The measure provides wrongfully convicted persons and their children with tuition waivers, room and board waivers and fee waivers for attendance at Oklahoma colleges and career technology centers for up to 120 credit hours.

Prepared By: Brad Wolgamott

Fiscal Analysis

HB2235 sets forth penalties borne by the State for wrongful incarceration cases. The potential for these penalties creates an unknown increased future liability to the State on a per case basis of \$1,000,000 plus \$50,000 multiplied by the number of years that the person served in prison. There is no anticipated direct fiscal impact to the solvency of any particular fund or agency as a result of this increased liability. In addition to these penalties, the Department of Corrections (DOC) would be required to administer certain benefits to claimants that are entitled to compensation under the provisions of this measure. The total number of claimants that would

collect these benefits is unknown, so DOC is unable to provide a total cost estimate for administering these benefits. However, the estimated cost on an annual per person basis is \$9,043.08 for state benefit allowance, and \$41.84 for tort. Thus, DOC would be absorbing a \$9,084.92 annual cost per claimant that collects these benefits. The Higher Education System would also provide certain tuition and cost waivers for these claimants, but any costs associated with this are expected to be immaterial and absorbed by the State.

Therefore, in its current form, HB2235 results in an unknown increased liability to the State of at least \$1,000,000 per case, and a \$9,084.92 annual cost to be absorbed by DOC per claimant that collects the benefits set forth in the measure.

Prepared By: Robert Flipping IV, House Fiscal Staff

Other Considerations

None.