

HOUSE BILL 985

P1, E2

0lr2118
CF SB 797

By: ~~Delegates Dumais, Barron, D.M. Davis, and Rosenberg~~ Cardin, Conaway, Cox, Crutchfield, D.M. Davis, W. Fisher, Lopez, Shetty, Rosenberg, and Williams

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Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Compensation to Individual Erroneously Convicted, Sentenced, and Confined**
3 **or Whose Conviction or Adjudication Is Reversed**
4 **(The Walter Lomax Act)**

5 FOR the purpose of authorizing the State's Attorney to certify that a conviction was in error
6 under certain circumstances; altering a provision of law to require, rather than
7 authorize, the Board of Public Works to pay certain compensation to a certain
8 individual who has been erroneously convicted, sentenced, and confined on a finding
9 of eligibility by an administrative law judge within a certain period of time after
10 receiving the order; authorizing an administrative law judge to issue a certain order
11 of eligibility under certain circumstances; requiring certain compensation made by
12 the Board to be equal to a certain amount; authorizing the administrative law judge
13 issuing a certain order to direct certain State agencies and service providers to
14 provide certain benefits free of charge; requiring certain compensation to be reduced
15 by certain amounts under certain circumstances; prohibiting an individual from
16 receiving certain compensation for certain periods of confinement; requiring an
17 individual to request a certain order of eligibility within a certain period of time after
18 certain events; authorizing a certain person to request an order of eligibility on
19 behalf of a certain deceased individual; requiring a certain request to be served on a
20 certain State's Attorney; authorizing a certain decision to be appealed by certain
21 parties; requiring a certain order to contain certain information; requiring a copy of
22 a certain order to be delivered to the Board and certain State agencies or service
23 providers; repealing a provision of law limiting eligibility for certain compensation
24 to certain situations in which a State's Attorney has certified that a conviction was

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



in error under a certain provision of law; repealing certain provisions of law prohibiting the payment of certain money to certain individuals; providing that certain provisions do not prohibit an individual from contracting for services to obtain certain compensation; establishing certain reporting requirements; requiring the Office of Administrative Hearings, in consultation with the Board, to adopt certain regulations; prohibiting a person who provides certain services to obtain certain compensation from charging, demanding, receiving, or collecting payment except under certain circumstances; providing that a certain obligation incurred is void under certain circumstances; requiring the Board to pay certain compensation to an individual if a court reverses finally the conviction or juvenile adjudication of the individual within a certain period of time and in a certain manner; requiring the Chief Administrative Law Judge to assign administrative law judges to conduct hearings on certain cases; authorizing the Chief Administrative Law Judge to serve as an administrative law judge in a certain case; making conforming changes; providing for the application of this Act; and generally relating to compensation to individuals erroneously convicted, sentenced, and confined and individuals whose convictions or adjudications are reversed by a court.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 8–201(b), (c), and (i)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY adding to

Article – Criminal Procedure

Section 8–201(l)

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 10–501

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

BY adding to

Article – State Finance and Procurement

Section 10–502 and 10–503

Annotated Code of Maryland

(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 9–1604(a)(4) and (b)(1)(i)

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Criminal Procedure

8–201.

(b) Notwithstanding any other law governing postconviction relief, a person who is convicted of a crime of violence under § 14–101 of the Criminal Law Article may file a petition:

(1) for DNA testing of scientific identification evidence that the State possesses that is related to the judgment of conviction; or

(2) for a search by a law enforcement agency of a law enforcement data base or log for the purpose of identifying the source of physical evidence used for DNA testing.

(c) A petitioner may move for a new trial under this section on the grounds that the conviction was based on unreliable scientific identification evidence and a substantial possibility exists that the petitioner would not have been convicted without the evidence.

(i) (1) If the results of the postconviction DNA testing are unfavorable to the petitioner, the court shall dismiss the petition.

(2) If the petitioner was convicted as the result of a trial and the results of the postconviction DNA testing are favorable to the petitioner, the court shall:

(i) if no postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, open a postconviction proceeding under § 7–102 of this article;

(ii) if a postconviction proceeding has been previously initiated by the petitioner under § 7–102 of this article, reopen a postconviction proceeding under § 7–104 of this article; or

(iii) on a finding that a substantial possibility exists that the petitioner would not have been convicted if the DNA testing results had been known or introduced at trial, order a new trial.

(3) If the court finds that a substantial possibility does not exist under paragraph (2)(iii) of this subsection, the court may order a new trial if the court determines that the action is in the interest of justice.

(4) (i) If the petitioner was convicted as the result of a guilty plea, an Alford plea, or a plea of nolo contendere and the court determines that the DNA test results

establish by clear and convincing evidence the petitioner's actual innocence of the offense or offenses that are the subject of the petitioner's motion, the court may, as the court considers appropriate:

1. if no postconviction proceeding has been previously initiated by the petitioner under § 7-102 of this article, open a postconviction proceeding under § 7-102 of this article;

2. if a postconviction proceeding has been previously initiated by the petitioner under § 7-102 of this article, reopen a postconviction proceeding under § 7-104 of this article; or

3. set aside the conviction and schedule the matter for trial.

(ii) When assessing the impact of the DNA test results on the strength of the State's case against the petitioner at the time the plea was entered, the court may consider, in addition to evidence that was presented as part of the factual support of the plea, admissible evidence submitted by either party that was contained in law enforcement files in existence at the time the plea was entered.

(iii) When determining an appropriate remedy under this paragraph, the court may consider any additional admissible evidence submitted by either party that came into existence after the plea was entered and is relevant to the petitioner's claim of actual innocence.

(5) If a new trial is granted or the matter is scheduled for trial, the court may order the release of the petitioner on bond or on conditions that the court finds will reasonably assure the presence of the petitioner at trial.

(L) ON WRITTEN REQUEST BY THE PETITIONER, THE STATE'S ATTORNEY MAY CERTIFY THAT A CONVICTION WAS IN ERROR, IF:

(1) THE COURT GRANTS A PETITION FOR RELIEF UNDER THIS SECTION;

(2) IN RULING ON A PETITION UNDER THIS SECTION, THE COURT:

(I) SETS ASIDE THE VERDICT OR CONVICTION; OR

(II) SCHEDULES THE MATTER FOR TRIAL OR GRANTS A NEW TRIAL; AND

(3) THE STATE'S ATTORNEY DECLINES TO PROSECUTE THE PETITIONER BECAUSE THE STATE'S ATTORNEY DETERMINES THAT THE PETITIONER IS INNOCENT.

Article – State Finance and Procurement

10–501.

(a) (1) [Subject to] **ON A FINDING OF ELIGIBILITY BY AN ADMINISTRATIVE LAW JUDGE UNDER** subsection (b) of this section, the Board of Public Works [may grant to] **SHALL COMPENSATE** an individual erroneously convicted, sentenced, and confined under State law for a crime the individual did not commit **IN** an amount [commensurate with the actual damages sustained by the individual, and may grant a reasonable amount for any financial or other appropriate counseling for the individual, due to the confinement] **EQUAL TO, ~~FOR EACH YEAR THAT THE INDIVIDUAL WAS WRONGFULLY CONFINED, THE AVERAGE OF THE STATE'S MEDIAN HOUSEHOLD INCOME AS PUBLISHED BY THE U.S. CENSUS BUREAU FOR THE 5 YEARS IMMEDIATELY PRECEDING THE FINDING OF ELIGIBILITY~~ THE PRODUCT OF THE TOTAL NUMBER OF DAYS THAT THE INDIVIDUAL WAS WRONGFULLY CONFINED MULTIPLIED BY A DAILY RATE OF THE STATE'S MOST RECENT MEDIAN HOUSEHOLD INCOME AS PUBLISHED IN THE AMERICAN COMMUNITY SURVEY OF THE U.S. CENSUS BUREAU PRECEDING THE FINDING OF ELIGIBILITY AND DIVIDED BY 365 DAYS TO THE NEAREST WHOLE CENT.**

[(2) In making a grant under paragraph (1) of this subsection, the Board of Public Works shall use money in the General Emergency Fund or money that the Governor provides in the annual budget.]

(2) IN ADDITION TO THE COMPENSATION AWARDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATIVE LAW JUDGE ISSUING AN ORDER ~~OF ELIGIBILITY~~ UNDER SUBSECTION (B) OF THIS SECTION MAY DIRECT THE APPROPRIATE STATE AGENCY OR SERVICE PROVIDER TO PROVIDE TO THE INDIVIDUAL FREE OF CHARGE ANY OF THE FOLLOWING BENEFITS:

(I) A STATE IDENTIFICATION CARD AND ANY OTHER DOCUMENT NECESSARY FOR THE INDIVIDUAL'S HEALTH OR WELFARE ON THE INDIVIDUAL'S RELEASE FROM CONFINEMENT;

(II) HOUSING ACCOMMODATIONS AVAILABLE ON THE INDIVIDUAL'S RELEASE FROM CONFINEMENT FOR A PERIOD NOT EXCEEDING 5 YEARS;

(III) EDUCATION AND TRAINING RELEVANT TO LIFE SKILLS ~~AND, JOB AND VOCATIONAL TRAINING, OR FINANCIAL LITERACY~~ FOR A PERIOD OF TIME UNTIL THE INDIVIDUAL ELECTS NO LONGER TO RECEIVE THE EDUCATION AND TRAINING;

(IV) HEALTH CARE AND DENTAL CARE FOR AT LEAST 5 YEARS AFTER THE INDIVIDUAL'S RELEASE FROM CONFINEMENT;

(V) 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; AND

(VI) REIMBURSEMENT FOR COURT FINES, FEES, AND RESTITUTION PAID BY THE INDIVIDUAL FOR THE CRIME FOR WHICH THE INDIVIDUAL WAS ERRONEOUSLY CONVICTED, SENTENCED, AND CONFINED.

(3) (I) IF AN INDIVIDUAL PREVIOUSLY RECEIVED A MONETARY AWARD FROM A CIVIL SUIT OR ENTERED INTO A SETTLEMENT AGREEMENT WITH THE STATE OR A POLITICAL SUBDIVISION OF THE STATE FOR AN ERRONEOUS CONVICTION, SENTENCE, OR CONFINEMENT, THE AMOUNT OWED TO THE INDIVIDUAL UNDER THIS SUBSECTION SHALL BE REDUCED BY THE AMOUNT OF THE MONETARY AWARD OR SETTLEMENT THAT WAS PAID TO THE INDIVIDUAL LESS ANY AMOUNT PAID FOR ATTORNEY'S FEES AND COSTS FOR LITIGATING THE AWARD OR SETTLEMENT.

(II) 1. IF, AFTER RECEIVING COMPENSATION UNDER THIS SUBSECTION, AN INDIVIDUAL RECEIVES A MONETARY AWARD FROM A CIVIL SUIT OR ENTERS INTO A SETTLEMENT AGREEMENT WITH THE STATE OR A POLITICAL SUBDIVISION OF THE STATE FOR AN ERRONEOUS CONVICTION, SENTENCE, OR CONFINEMENT, THE INDIVIDUAL SHALL REIMBURSE THE STATE THE AMOUNT OF MONEY PAID UNDER THIS SECTION LESS ANY AMOUNT PAID FOR ATTORNEY'S FEES AND COSTS FOR LITIGATING THE AWARD OR SETTLEMENT.

2. REIMBURSEMENT REQUIRED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY NOT EXCEED THE AMOUNT OF THE MONETARY AWARD THE INDIVIDUAL RECEIVED FOR DAMAGES IN THE CIVIL SUIT OR SETTLEMENT AGREEMENT.

(4) AN INDIVIDUAL MAY NOT RECEIVE COMPENSATION UNDER THIS SUBSECTION FOR ANY PERIOD OF CONFINEMENT DURING WHICH THE INDIVIDUAL WAS CONCURRENTLY SERVING A SENTENCE FOR A CONVICTION OF ANOTHER OFFENSE FOR WHICH THE INDIVIDUAL WAS LAWFULLY CONVICTED AND CONFINED.

(5) IF AN INDIVIDUAL ELIGIBLE FOR COMPENSATION AND BENEFITS UNDER THIS SUBSECTION IS DECEASED, THE INDIVIDUAL'S ESTATE HAS STANDING TO BE COMPENSATED UNDER THIS SUBSECTION.

(b) (1) An ADMINISTRATIVE LAW JUDGE SHALL ISSUE AN ORDER THAT AN individual is eligible for [a grant] COMPENSATION AND BENEFITS under subsection (a) of this section if:

1 [(1)] (I) the individual has received from the Governor a full pardon
2 ~~stating that the individual's conviction has been shown conclusively to be in error]~~ ~~BASED~~
3 ~~ON THE CONCLUSION THAT THE INDIVIDUAL WAS CONVICTED, SENTENCED, AND~~
4 ~~CONFINED FOR A CRIME THAT THE INDIVIDUAL DID NOT COMMIT; [or]~~

5 [(2)] (II) the State's Attorney certifies that the ~~individual's conviction~~
6 was in error under ~~§ 8-201 OR~~ § 8-301 of the Criminal Procedure Article] ~~INDIVIDUAL~~
7 ~~WAS CONVICTED, SENTENCED, AND CONFINED FOR A CRIME THE INDIVIDUAL DID~~
8 ~~NOT COMMIT; OR~~

9 (III) THE ADMINISTRATIVE LAW JUDGE CERTIFIES THAT THE
10 INDIVIDUAL WAS CONVICTED, SENTENCED, AND CONFINED FOR A CRIME THAT THE
11 INDIVIDUAL DID NOT COMMIT BASED ON THE FOLLOWING, PROVED BY A
12 PREPONDERANCE OF THE EVIDENCE:

13 1. ~~THE JUDGMENT OF CONVICTION WAS REVERSED OR~~
14 ~~VACATED AND EITHER THE CHARGES WERE DISMISSED OR, ON RETRIAL, THE~~
15 ~~INDIVIDUAL WAS ACQUITTED;~~

16 ~~2. A COURT HAS GRANTED A PETITION FOR RELIEF~~
17 ~~UNDER § 8-201 OR § 8-301 OF THE CRIMINAL PROCEDURE ARTICLE; THE~~
18 ~~JUDGMENT OF CONVICTION WAS REVERSED OR VACATED AND EITHER THE CHARGES~~
19 ~~WERE DISMISSED OR, ON RETRIAL, THE INDIVIDUAL WAS ACQUITTED; AND~~

20 2. IN A RULING ON A PETITION UNDER ITEM 1 OF THIS
21 ITEM THE COURT FINDS:

22 A. ~~SETS ASIDE THE VERDICT OR CONVICTION WAS SET~~
23 ~~ASIDE OR VACATED; OR~~

24 B. ~~SCHEDULES THE MATTER FOR TRIAL OR GRANTS A~~
25 ~~NEW TRIAL;~~

26 ~~3. THE STATE'S ATTORNEY DECLINED TO PROSECUTE~~
27 ~~THE PETITIONER, OR THE PERSON WAS RETRIED AND FOUND NOT GUILTY;~~

28 ~~4. C. THE PETITIONER REQUESTS REQUESTED IN WRITING~~
29 ~~THAT THE STATE'S ATTORNEY TO CERTIFY THAT THE INDIVIDUAL'S CONVICTION~~
30 ~~WAS IN ERROR;~~

31 ~~5. D. THE STATE'S ATTORNEY HAS FAILED TO ACT ON OR~~
32 ~~DECLINED A REQUEST TO CERTIFY THAT THE INDIVIDUAL'S CONVICTION WAS IN~~
33 ~~ERROR WITHIN 45 DAYS OF A REQUEST;~~

~~6. E.~~ THE INDIVIDUAL DID NOT COMMIT THE CRIME OR CRIMES FOR WHICH THE INDIVIDUAL WAS CONVICTED AND WAS NOT AN ACCESSORY OR ACCOMPLICE TO THE ACTS THAT WERE THE BASIS OF THE CONVICTION THAT ~~RESULTED IN THE REVERSAL OR THE JUDGMENT BEING VACATED, DISMISSAL OF THE CHARGES, OR AN ACQUITTAL ON RETRIAL WAS THE SUBJECT OF A PETITION UNDER ITEM 1 OF THIS ITEM~~ RESULTED IN THE REVERSAL OR THE JUDGMENT BEING VACATED, DISMISSAL OF THE CHARGES, OR AN ACQUITTAL ON RETRIAL; AND

~~3. 7. F.~~ THE INDIVIDUAL DID NOT COMMIT OR SUBORN PERJURY, FABRICATE EVIDENCE, OR BY THE INDIVIDUAL'S OWN CONDUCT CAUSE OR BRING ABOUT THE CONVICTION.

(2) FOR THE PURPOSES OF PARAGRAPH ~~(1)(III)3~~ (1)(III)7 OF THIS SUBSECTION, "COMMITTING OR SUBORNING PERJURY, FABRICATING EVIDENCE, OR CAUSING OR BRINGING ABOUT A CONVICTION" DOES NOT ~~INCLUDE MAKING A FALSE CONFESSION OR ENTERING A GUILTY PLEA~~ INCLUDE:

(I) MAKING A FALSE CONFESSION; OR

(II) ENTERING:

1. A GUILTY PLEA;

2. AN ALFORD PLEA; OR

3. A NOT GUILTY PLEA PURSUANT TO AN AGREED STATEMENT OF FACTS.

(3) THE FOLLOWING SHALL BE PARTIES TO A PROCEEDING UNDER THIS SUBSECTION:

(I) THE STATE'S ATTORNEY OF THE COUNTY WHERE THE CRIME WAS COMMITTED; AND

(II) THE STATE.

(C) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL MAY REQUEST AN ORDER OF ELIGIBILITY UNDER SUBSECTION (B) OF THIS SECTION WITHIN 2 YEARS AFTER THE DATE ON WHICH:

(I) THE GOVERNOR ISSUED A PARDON DESCRIBED UNDER SUBSECTION (B)(1)(I) OF THIS SECTION;

1 (II) THE STATE'S ATTORNEY MAKES A CERTIFICATION
2 DESCRIBED UNDER SUBSECTION (B)(1)(II) OF THIS SECTION; OR

3 (III) THE CRIMINAL CHARGES AGAINST THE INDIVIDUAL WERE
4 DISMISSED OR THE INDIVIDUAL WAS FOUND NOT GUILTY ON RETRIAL AS DESCRIBED
5 UNDER SUBSECTION (B)(1)(III) OF THIS SECTION.

6 (2) AN INDIVIDUAL CONVICTED, CONFINED, AND RELEASED FROM
7 CONFINEMENT BEFORE JULY 1, 2020, MAY REQUEST AN ORDER OF ELIGIBILITY
8 UNDER SUBSECTION (B) OF THIS SECTION ON OR BEFORE JUNE 30, 2022.

9 (3) IF AN INDIVIDUAL DESCRIBED UNDER SUBSECTION (B)(1) OF THIS
10 SECTION IS DECEASED, A PERSONAL REPRESENTATIVE OR AN EXECUTOR OF THE
11 INDIVIDUAL'S ESTATE MAY REQUEST AN ORDER OF ELIGIBILITY FOR
12 COMPENSATION ON THE INDIVIDUAL'S BEHALF.

13 (4) A REQUEST FOR ELIGIBILITY FILED UNDER THIS SECTION SHALL
14 BE SERVED ON THE STATE'S ATTORNEY IN THE COUNTY IN WHICH THE CONVICTION
15 OCCURRED.

16 (5) THE DECISION TO GRANT OR DENY AN ORDER OF ELIGIBILITY
17 UNDER SUBSECTION (B) OF THIS SECTION MAY BE APPEALED BY EITHER PARTY.

18 (D) (1) IF AN ADMINISTRATIVE LAW JUDGE ORDERS THAT AN INDIVIDUAL
19 IS ELIGIBLE FOR COMPENSATION AND BENEFITS UNDER SUBSECTION (B) OF THIS
20 SECTION, THE ORDER SHALL INCLUDE:

21 (I) THE MONETARY AWARD OWED TO THE INDIVIDUAL UNDER
22 SUBSECTION (A)(1) OF THIS SECTION;

23 (II) REASONABLE ATTORNEY'S FEES AND EXPENSES
24 ASSOCIATED WITH THE ACTION BROUGHT UNDER THIS SECTION; AND

25 (III) BENEFITS TO BE AWARDED UNDER SUBSECTION (A) OF THIS
26 SECTION.

27 (2) A COPY OF THE ORDER ISSUED UNDER SUBSECTION (B) OF THIS
28 SECTION SHALL BE DELIVERED TO:

29 (I) THE BOARD OF PUBLIC WORKS TO MAKE THE PAYMENTS
30 ORDERED UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION; AND

31 (II) ANY STATE AGENCY OR SERVICE PROVIDER ORDERED TO
32 PROVIDE BENEFITS UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION.

1 ~~[(c)]~~ **(E)** The Board of Public Works [may] **SHALL** pay the [grant]
2 **COMPENSATION** determined under subsection ~~[(a)]~~ **(D)** of this section **IN A LUMP SUM OR**
3 **INSTALLMENTS WITH AN INITIAL PAYMENT OF \$50,000 TO BE PAID WITHIN 60 90**
4 **DAYS AFTER RECEIVING AN ORDER ISSUED UNDER SUBSECTION (B) OF THIS**
5 **SECTION in a lump sum or in installments.**

6 **[(d) (1)]** The Board of Public Works may not pay any part of a grant made under
7 this section to any individual other than the erroneously convicted individual.

8 **(2) (i)** An individual may not pay any part of a grant received under
9 this section to another person for services rendered in connection with the collection of the
10 grant.

11 **(ii)** An obligation incurred in violation of this paragraph is void.

12 **(iii)** A payment made in violation of this paragraph shall be forfeited
13 to the State.]

14 ~~[(e)]~~ **(F)** **(1)** This section does not prohibit an individual from contracting for
15 services to:

16 ~~(1)~~ **(I)** determine the individual's innocence;

17 ~~(2)~~ **(II)** obtain a pardon; [or]

18 ~~(3)~~ **(III)** obtain the individual's release from confinement; **OR**

19 ~~(4)~~ **(IV)** **OBTAIN COMPENSATION UNDER THIS SECTION.**

20 **(2) (I) A PERSON PROVIDING SERVICES UNDER PARAGRAPH**
21 **(1)(IV) OF THIS SUBSECTION MAY NOT CHARGE, DEMAND, RECEIVE, OR COLLECT**
22 **PAYMENT OTHER THAN THAT ALLOWED UNDER SUBSECTION (D)(1)(II) OF THIS**
23 **SECTION.**

24 **(II) AN OBLIGATION INCURRED IN VIOLATION OF THIS**
25 **PARAGRAPH IS VOID.**

26 **(G) ON OR BEFORE DECEMBER 31, 2020, AND ANNUALLY THEREAFTER, THE**
27 **BOARD OF PUBLIC WORKS SHALL REPORT TO THE GENERAL ASSEMBLY, IN**
28 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON ANY**
29 **COMPENSATION AND SERVICES AWARDED UNDER THIS SECTION.**

30 **(H) THE OFFICE OF ADMINISTRATIVE HEARINGS, IN CONSULTATION WITH**
31 **THE BOARD OF PUBLIC WORKS, SHALL ADOPT REGULATIONS TO GOVERN THE**

PROCEDURES AND PRACTICES IN ALL CASES REQUESTING COMPENSATION AND BENEFITS UNDER THIS SUBTITLE.

10-502.

(A) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO RECEIVES COMPENSATION UNDER § 10-501 OF THIS SUBTITLE.

(B) IF A COURT REVERSES FINALLY THE CONVICTION OR JUVENILE ADJUDICATION OF AN INDIVIDUAL AND ORDERS THAT FINES, GOVERNMENTAL FEES, COSTS, OR RESTITUTION THAT WERE PAID BY THE INDIVIDUAL IN CONNECTION WITH THE CONVICTION OR JUVENILE ADJUDICATION BE REFUNDED, THE BOARD OF PUBLIC WORKS SHALL COMPENSATE THE INDIVIDUAL FOR THE AMOUNT DETERMINED BY THE COURT TO BE OWED TO THE INDIVIDUAL FOR FINES, FEES, COSTS, AND RESTITUTION PREVIOUSLY PAID BY THE INDIVIDUAL.

(C) THE BOARD OF PUBLIC WORKS SHALL PAY TO THE INDIVIDUAL THE AMOUNT SET BY THE COURT UNDER SUBSECTION (B) OF THIS SECTION WITHIN ~~60~~ 90 DAYS AFTER RECEIVING THE ORDER FROM THE ~~INDIVIDUAL~~ COURT.

10-503.

IN AWARDING COMPENSATION UNDER THIS SUBTITLE, THE BOARD OF PUBLIC WORKS SHALL USE MONEY IN THE GENERAL EMERGENCY FUND OR MONEY THAT THE GOVERNOR PROVIDES IN THE ANNUAL BUDGET FOR THAT PURPOSE.

Article – State Government

9-1604.

(a) The Chief Administrative Law Judge shall:

(4) assign administrative law judges to conduct hearings in contested cases **OR CASES TO DETERMINE ELIGIBILITY FOR COMPENSATION AND BENEFITS UNDER § 10-501 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;**

(b) (1) The Chief Administrative Law Judge may:

(i) serve as an administrative law judge in a contested case **OR A CASE TO DETERMINE ELIGIBILITY FOR COMPENSATION AND BENEFITS UNDER § 10-501 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;**

SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be construed to apply retroactively to any application for compensation or benefits pending on or after the effective date of this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be
2 construed to apply retroactively to allow a person to apply for modification of any
3 compensation awarded by the Board of Public Works between January 1, ~~1987~~ 1984, and
4 June 30, ~~2020~~ 2019, inclusive.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.