



**WISCONSIN
INNOCENCE PROJECT**
University of Wisconsin Law School

“Without such support, a wrongly convicted person might never be able to establish roots that would allow him to contribute to society. To help repair the lives that are shattered by wrongful convictions, the bill raises the Federal cap on compensation, and urges states to follow suit...It is the very least that Congress should do.”

Senate Judiciary Committee Report, Prior to Unanimously Passing 2004 Innocence Protection Act

RESTORING INNOCENCE

Wisconsin Must Adequately Compensate the Wrongly Convicted



Exoneration is just the beginning. Most wrongfully convicted individuals face great hardships upon release. They typically have few resources to draw upon and their families have incurred enormous attorneys’ fees related to their cases. While in prison, they miss out on educational opportunities, job training, and career advancement opportunities. They have no way to cope with their experience in prison.

CURRENT WISCONSIN LAW:

Insufficient monetary compensation

- Wisconsin’s compensation statute is over 100 years old. It has not been adjusted in over 25 years.
- Provides \$5,000 per year, which is the lowest in the country.
- Caps total awards at \$25,000, which is the second lowest in the country.
- Requires a lengthy and burdensome process to receive available compensation.

Lack of social services and support

- Offers no housing, employment, education, medical or counseling services.
- Does not establish a procedure to expunge criminal records.

Yearly Compensation for the Wrongfully Convicted	
Jurisdiction	Compensation Per Year
Washington, D.C.	\$200,000
Texas	\$80,000
Colorado	\$70,000
California	\$51,100
Michigan	\$50,000
Mississippi	\$50,000
Alabama	\$50,000
Florida	\$50,000
New Jersey	\$50,000
Hawaii	\$50,000
Federal Gov’t	\$50,000
Ohio	\$40,330
Louisiana	\$25,000
Missouri	\$18,250
Iowa	\$18,250
WISCONSIN	\$5,000

National Trends

Former President George W. Bush endorsed a law establishing compensation rates of \$50,000 per year of wrongful conviction.

Florida caps compensation at \$2 million and reimburses for fines and court costs.

Texas provides \$80,000 a year, a 120hr tuition waiver for higher education, a case manager, reentry services, and assistance obtaining mental health, physical health, and dental care.

AB 548: FAIR COMPENSATION FOR THE WRONGFULLY CONVICTED

- Increases compensation from \$5,000/year to the federal standard of \$50,000/year, and increases the cap from \$25,000 to \$1 million.
- Reimburses attorney and court fees related to defense and postconviction relief.
- Provides transitional assistance and social services immediately upon release.
- Seals all criminal records regarding wrongful conviction.
- Establishes a preponderance of the evidence burden of proof for the claim—the same burden as any other claim before the Claims Board.
- Provides an efficient claims process through Division of Hearings & Appeals.
- Only those who are *actually innocent* are eligible for compensation. Those who commit a subsequent violent felony are ineligible.