



Task Force to Study Erroneous Conviction and Imprisonment



Meeting Minutes

February 19, 2018

Members in Attendance:

Scott Shellenberger, Chair, State's Attorney, Baltimore County
Elihai Braun, Assistant Public Defender
Delegate Kathleen Dumais
Donald Hogan, Chief of Legislation, GOCCP
Renée Hutchins, Co-Director, Clinical Law Program, UMD
Senator Delores Kelley
Walter Lomax, Executive Director, Maryland Restorative Justice Initiative
Tiffany Maclin, Staff, GOCCP
Michele Nethercott, Director of the Innocence Project Clinic
Senator William Smith

I. Call to Order and Welcome

Mr. Shellenberger called the meeting to order at 5:08 PM as he welcomed everyone to the second meeting of the task force. The minutes from the October meeting were approved by the members.

II. Discussion and Next Steps

Mr. Shellenberger addressed the Ethics Commission's finding on Mr. Lomax's ability to serve on the task force. The Ethics Commission concluded that Mr. Lomax may serve on the task force and that he may participate fully in all matters. A formal letter will be submitted to Mr. Shellenberger confirming the Commission's determination.

Mr. Charles Clair of Queen Anne's County provided personal testimony addressing his wrongful conviction status. Mr. Clair noted that due to the October 1, 2017 change in law, he can now file a petition for writ of actual innocent. Previously, due to taking an Alford Plea, Mr. Clair was not able to file the petition. He expressed his concerns with the types of help available to overcome wrongful convictions.

The compensation discussion focused on Senate Bill 987, sponsored by Senator Kelley. Senate Bill 987 as introduced, makes several changes to existing provisions pertaining to payments by the Board of Public Works (BPW) to individuals erroneously convicted, sentenced, and confined under State law for a crime the individual did not commit. Among other provisions, the bill (1) requires, rather than authorizes, BPW to make these payments; (2) establishes a minimum amount for a BPW grant; (3) requires BPW grants to include specified expenses; (4) requires BPW to provide specified services free of charge; and (5) establishes a subtraction modification against the State income tax for the amount of a grant and the value of services provided.

While some members expressed concerns with the lack of fiscal note, the members were able to agree, amend, and remove parts of the bill through discussion. The agreed upon amendments include (1) replacing existing language referencing a grant with the term compensation; (2) providing that a wrongfully convicted



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individual shall receive the greater of actual damages or fifty thousand dollars a year for each year in custody; (3) retaining current law to prohibit an individual who receives compensation to pay another for services in obtaining the compensation, but allowing an individual to contract legal services for certain matters related to wrongful convictions, including pursuing compensation under Section 10-501; (4) requiring the Board of Public Works to coordinate with the appropriate governmental units to provide necessary reentry services, instead of requiring the board provide these services; and (5) striking the proposed addition to Section 10-207 of the Tax-General Article.

Ms. Hutchins agreed to provide the amended language to the group as soon as possible. The next meeting date is to be determined.

III. Conclusion

Mr. Shellenberger adjourned the meeting at 6:58 PM.