

STATE OF KANSAS

---

SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **HB 2502**, as amended by Senate Committee, on page 1, following line 5, by inserting:

"New Section 1. (a) A claimant may bring an action in an appropriate state court seeking damages from the state pursuant to this section and shall be entitled to recover such damages if the claimant establishes the following by clear and convincing evidence:

(1) The claimant was convicted of a felony under the Kansas criminal code and served all or any part of their sentence in a state correctional facility;

(2) the claimant did not commit the crime which resulted in such conviction; and

(3) the claimant did not plead guilty or no contest to the crime which resulted in such conviction.

(b) The suit, accompanied by a statement of the facts concerning the claim for damages, verified in the manner provided for in the rules of civil procedure, shall be brought by the claimant within two years after such claimant's release from imprisonment.

(c) (1) A claimant entitled to damages pursuant to subsection (a) shall be awarded damages in an amount equal to \$80,000 multiplied by the number of years the claimant was incarcerated, expressed as a fraction to reflect partial years.

(2) In addition to such damages, the claimant shall be entitled to receive the costs of the suit, including reasonable attorney fees.

(3) Damages, costs and fees awarded pursuant to this section shall be paid from the state general fund.

(d) Any award of damages to the claimant in an action against the state or any political subdivision thereof, or against any employee of the state or of any political subdivision thereof, with respect to the same subject matter shall be offset by any award of damages awarded pursuant to this section.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "procedure" and inserting "actions"; also in line 1, after "to" by inserting "people wrongfully convicted of crimes;"

Senator \_\_\_\_\_