

**SENATE BILL No. 430**

By Senator Haley

2-9

1 AN ACT concerning civil actions; relating to people wrongfully convicted  
2 of crimes; compensation.

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4 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

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

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

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

33 Sec. 2. This act shall take effect and be in force from and after its  
34 publication in the statute book.