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SENATE CHAMBER
DAVID B. HALEY
SENATOR
DISTRICT 4
WYANDOTTE COUNTY

SENATE BILL 336
IN RE: COMPENSATION FOR WRONGFUL INCARCERATION COMPENSATION
February 14th, 2018

Chairman Wilborn, Vice Chair Lynn and my fellow Members of the Senate Judiciary Committee: Thank you for hearing testimony on SB 336 concerning compensation to be paid persons who are wrongfully convicted and imprisoned in Kansas.

I fully support Senate Bill 336 and appear as a strong proponent for swift passage and implementation.

There should be no opposition to this bill. Most States and the federal system ALREADY have some automatic formula for compensating an innocent party who is the victim of having their liberty stolen only to be exonerated and left to their own devices without some reparation. As a member of the Special Claims Against the State Committee, I can attest that exonorees who come to the Legislature for redress are left to a patchwork of resolution; seldom equitable or complete. Committee, let me be brief for the following scheduled proponent's testimonies will be FAR more compelling than mine, trust me.

When I first sponsored bills on this subject (alone, of course) a decade ago and several more Sessions since (the most recent being in 2017 as Senate Bill 125 which this same committee heard on Valentine's Day LAST year and, subsequently, was only referred to the Kansas Judicial Council for "study"), the State's perpetrating of such miscarriages of justice were seldom well known or publicized. But today, now, graphic, poignant examples underscore enhanced awareness but retain the public's shock and disappointment tinged with tragic ironies.

I believe the majority, if not all of us on this Committee, support compensation for wrongful convictions. The debate last year seemed to center over the appropriate amount to PAY the exonoree. \$80,000/year (modeled after Texas) was deemed excessive and then the motion was made to send it to the Kansas Judicial Council and that was it. Again, the KJC chose to take no action last year.

The good news is Senate Bill 336 which is heard today is, in my opinion, a far better product than Senate Bill 125 was! Among other improvements, SB 336 eradicates the guilty plea as disclaimer; eliminates a limit to retroactivity and sets into play structures for payment disbursement as well as ancillary benefits.

Mr. Chairman, I'll be pleased to stand for any questions at the appropriate time. Thank you.

Respectfully Submitted,

- David Haley, J.D. (WY)
- Ranking Minority. Kansas Senate Judiciary.