

Minnesota Statutes Annotated
Crimes, Criminals (Ch. 609-624)
Chapter 611. Rights of Accused
Reimbursement

M.S.A. § 611.362

611.362. Claim for compensation based on exoneration

Effective: July 1, 2014

Currentness

Subdivision 1. General. A person who receives an order under section 590.11 determining that the person is entitled to compensation based on exoneration may bring a claim for an award under sections 611.362 to 611.368.

Subd. 2. Respondent; filing requirement. The state must be named as the respondent. A claimant shall serve the claim and all documents on the state through the commissioner of management and budget and file the claim with the Supreme Court. The claim must include a copy of the order from the district court under section 590.11, subdivision 7. The state shall respond to the claim within 60 days after service. In all matters under sections 611.362 to 611.368, legal representation for the state shall be provided by either the attorney general or legal counsel for the Department of Management and Budget.

Subd. 3. Agent for claimant. If the person entitled to file a claim is incapacitated and incapable of filing the claim or is a minor or nonresident of the state, the claim may be filed on behalf of the claimant by a court-appointed guardian, the parent or guardian of a minor, or an authorized agent.

Subd. 4. Statute of limitations. A claimant must commence a claim under this section within 60 days after the date the order was issued under section 590.11, subdivision 7, provided that if the person did not receive the notice required under section 590.11, subdivision 7, the person may commence a claim within three years of that date. An action by the state challenging or appealing the order under section 590.11 tolls the time in which a claim must be commenced.

- 611.363. Compensation panel

Subdivision 1. Appointment. Within 30 business days after the claim is filed with the Supreme Court, the chief justice of the Supreme Court shall appoint a compensation panel of three attorneys or judges who are responsible for determining the amount of damages to be awarded. Members of the panel must have experience in legal issues involving the settlement of tort claims and the determination of damages.

Subd. 2. Compensation of panel members. (a) Members of the panel are entitled to the compensation authorized for members of boards under section 15.0575, subdivision 3.

(b) Consistent with sections 611.362 to 611.368, the panel may establish procedures, rules, and forms for considering claims and awarding damages.

Subd. 3. Payment of expenses. The state court administrator shall forward documentation of expenses and administrative costs of the panel to the commissioner of management and budget for payment of those amounts from appropriations available for this purpose.

- 611.364. Prehearing settlements and hearing

Subdivision 1. Prehearing settlements. The panel may set a prehearing settlement conference date. At this conference, the parties must make a good faith attempt to reach a settlement in the case. If the parties agree, they may present the panel with a joint motion for summary disposition and no further hearings are required. If a settlement document is approved by the panel, it has the same effect as an award under section 611.365, for all purposes of that section.

Subd. 2. Hearing. (a) If the parties are unable to reach a settlement, the panel must hold an evidentiary hearing to determine the amount of damages to be awarded to the claimant. The panel may consider any evidence and argument submitted by the parties, including affidavits, documentation, and oral and written arguments. The panel is bound by any fact or damage amount established by the stipulation of the parties.

(b) Hearings and records relating to the hearing are open to the public, except where, in the interest of justice, the panel orders a hearing closed or a record sealed.

- 611.365. Damages

Subdivision 1. General. A claimant is entitled to the damages provided for in this section.

Subd. 2. Reimbursement; monetary damages; attorney fees. (a) The claimant is entitled to reimbursement for all restitution, assessments, fees, court costs, and other sums paid by the claimant as required by the judgment and sentence. In addition, the claimant is entitled to monetary damages of not less than \$50,000 for each year of imprisonment, and not less than \$25,000 for each year served on supervised release or as a registered predatory offender, to be prorated for partial years served. In calculating monetary damages, the panel shall consider:

(1) economic damages, including reasonable attorney fees, lost wages, reimbursement for costs associated with the claimant's criminal defense;

(2) reimbursement for medical and dental expenses that the claimant already incurred and future unpaid expenses expected to be incurred as a result of the claimant's imprisonment;

(3) noneconomic damages for personal physical injuries or sickness and any nonphysical injuries or sickness incurred as a result of imprisonment;

(4) reimbursement for any tuition and fees paid for each semester successfully completed by the claimant in an educational program or for employment skills and development training, up to the equivalent value of a four-year degree at a public university, and reasonable payment for future unpaid costs for education and training, not to exceed the anticipated cost of a four-year degree at a public university;

(5) reimbursement for paid or unpaid child support payments owed by the claimant that became due, and interest on child support arrearages that accrued, during the time served in prison provided that there shall be no reimbursement for any child support payments already owed before the claimant's incarceration; and

(6) reimbursement for reasonable costs of paid or unpaid reintegrative expenses for immediate services secured by the claimant upon exoneration and release, including housing, transportation and subsistence, reintegrative services, and medical and dental health care costs.

(b) The panel shall award the claimant reasonable attorney fees incurred in bringing a claim under sections 611.362 to 611.368 and in obtaining an order of eligibility for compensation based on exoneration under chapter 590.

Subd. 3. Limits on damages. There is no limit on the aggregate amount of damages that may be awarded under this section. Damages that may be awarded under subdivision 2, paragraph (a), clauses (1) and (4) to (6), are limited to \$100,000 per year of imprisonment and \$50,000 per year served on supervised release or as a registered predatory offender.

Subd. 4. Notice and acceptance of award. A claimant who is awarded damages under this section must be provided with a written notice of the award, which must include an itemization of the total damage award calculation. A claimant's acceptance of an award, compromise, or settlement must be in writing and is final and conclusive on the claimant.

Subd. 5. Subsequent damage awards. Any future damages awarded to the claimant resulting from an action by the claimant against the state or a political subdivision of this state based on the same subject must be offset by the damage award received under this section.

Subd. 6. No offsets. The damage award must not be offset by:

(1) any expenses incurred by the state or any political subdivision of the state, including expenses incurred to secure the claimant's custody or to feed, clothe, or provide medical services for the claimant; or

(2) the value of any services or reduction in fees for services, or the value of services to be provided to the claimant that may be awarded to the claimant under this section.

Subd. 7. Survival of claim. A pending order issued under section 590.11, subdivision 7, or claim under sections 611.362 to 611.368, survives the death of the petitioner or claimant and the personal representative of the person may be substituted as the claimant or bring a claim.

- 611.366 Judicial review

A party aggrieved by an award of damages under section 611.365 is entitled to judicial review of the decision as provided in sections 14.63 to 14.69; however, proceedings on a complaint filed under this section are not a contested case within the

meaning of chapter 14 and are not otherwise governed by chapter 14.

- 611.367. Compensating exonerated persons; appropriations process

The compensation panel established in section 611.363 shall forward a final award of damages under section 611.365 to the commissioner of management and budget. The commissioner shall submit the amount of the final award to the legislature for consideration during the next session of the legislature.

- 611.368. Short title

Sections 611.362 to 611.368 shall be cited as the Imprisonment and Exoneration Remedies Act.

Credits

Laws 2014, c. 269, § 9, eff. July 1, 2014.

M. S. A. § 611.362, et. seq.

Current with legislation of the 2014 Regular Session effective through July 31, 2014.

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