

§ 2-421. Administrative petitions and civil claims., DC CODE § 2-421

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West's District of Columbia Code Annotated 2001 Edition  
Division I. Government of District.  
Title 2. Government Administration. (Refs & Annos)  
Chapter 4. Claims Against District.  
Subchapter III. Unjust Imprisonment.

DC ST § 2-421

Formerly cited as DC ST 1981 §1-1221

§ 2-421. Administrative petitions and civil claims.

Effective: December 13, 2017

[Currentness](#)

Any person unjustly convicted of and subsequently imprisoned for a felony offense contained in the District of Columbia Official Code may:

- (1) Present a claim for damages against the District of Columbia; or
- (2) Petition the District of Columbia for compensation as provided under this subchapter.

**Credits**

(Mar. 5, 1981, D.C. Law 3-143, § 2, 27 DCR 4656; [Dec. 13, 2017, D.C. Law 22-33, § 1012\(a\), 64 DCR 7652.](#))

[Notes of Decisions \(2\)](#)

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DC CODE § 2-421

Current through January 30, 2018

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Title 2. Government Administration. (Refs & Annos)  
Chapter 4. Claims Against District.  
Subchapter III. Unjust Imprisonment.

DC ST § 2-422

Formerly cited as DC ST 1981 § 1-1222

§ 2-422. Proof required.

Effective: December 13, 2017

[Currentness](#)

(a) Any person bringing suit under [§ 2-421\(1\)](#) must allege and prove the following:

- (1) The person was incarcerated following a conviction for a felony offense contained in the District of Columbia Official Code;
- (2) The conviction for the offense has been reversed or set aside by the Superior Court of the District of Columbia (“Superior Court”) on the stated ground of innocence and unjust conviction;
- (3) The person has obtained a certificate of innocence from the Superior Court; and
- (4) That, based upon clear and convincing evidence, the person did not commit any of the acts charged or the person's acts or omissions in connection with such charge constituted no offense against the United States or the District of Columbia the maximum penalty for which would equal or exceed the imprisonment served and the person did not, by his or her misconduct, cause or bring about his or her own prosecution.

(b) Any person filing a petition under [§ 2-421](#) must allege and prove the following:

- (1) The person was incarcerated following a conviction for a felony offense contained in the District of Columbia Official Code;
- (2) The conviction for the offense has been reversed or set aside by the Superior Court on the stated ground of innocence and unjust conviction; and
- (3) The person has obtained a certificate of innocence from the Superior Court.

§ 2-422. Proof required., DC CODE § 2-422

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(c) Notwithstanding subsections (a) and (b) of this section, a person is not entitled to damages or compensation under this subchapter for any part of a sentence served, whether incarcerated, on parole, on probation, on supervised release, or as a registered sex offender, if that person was also serving a concurrent sentence for another crime to which subsections (a) and (b) of this section do not apply.

**Credits**

(Mar. 5, 1981, D.C. Law 3-143, § 3, 27 DCR 4656; Dec. 13, 2017, D.C. Law 22-33, § 1012(b), 64 DCR 7652.)

[Notes of Decisions \(5\)](#)

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DC CODE § 2-422

Current through January 30, 2018

§ 2-423. Damages., DC CODE § 2-423

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Division I. Government of District.  
Title 2. Government Administration. (Refs & Annos)  
Chapter 4. Claims Against District.  
Subchapter III. Unjust Imprisonment.

DC ST § 2-423  
Formerly cited as DC ST 1981 § 1-1223

§ 2-423. Damages.

Effective: December 13, 2017

[Currentness](#)

Upon a finding by the judge of unjust imprisonment in accordance with the standards set by [§ 2-422\(a\)](#), the judge may award damages. Punitive damages may not be awarded.

**Credits**

(Mar. 5, 1981, D.C. Law 3-143, § 4, 27 DCR 4656; [Dec. 13, 2017, D.C. Law 22-33, § 1012\(c\), 64 DCR 7652.](#))

[Notes of Decisions \(3\)](#)

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DC CODE § 2-423

Current through January 30, 2018

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DC ST § 2-423.01

§ 2-423.01. Petition for compensation.

Effective: December 13, 2017

[Currentness](#)

(a) A person seeking compensation for unjust conviction and imprisonment under [§ 2-421\(2\)](#) shall file a petition for compensation with the Office of Victim Services and Justice Grants (“OVSJG”) that includes the following information:

- (1) An application for compensation on a form prescribed by the Director;
- (2) A copy of the certificate of innocence issued by the Superior Court for the conviction at issue;
- (3) A statement from the United States Bureau of Prisons or the Department of Corrections verifying the length of incarceration;
- (4) A statement from the Court Supervision and Offender Services Agency verifying the length of time spent on parole, probation, supervised release, or as a registered sex offender, if applicable; and
- (5) Any additional documents deemed necessary by the Director and listed as a requirement for a petition on the application for compensation.

(b)(1)(A) The Director shall approve a petition for compensation filed within 45 days after the date the petition was submitted if all the necessary documents required by subsection (a) of this section have been submitted.

(B) For the purposes of this paragraph, a petition for compensation shall not be deemed to have been submitted until all required documents under subsection (a) of this section have been filed with OVSJG.

(2)(A) The Director shall provide written notice of his or her determination to the person who filed the petition.

(B) The written notice shall include the amount owed to the petitioner pursuant to [§ 2-423.02](#).

§ 2-423.01. Petition for compensation., DC CODE § 2-423.01

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(c)(1) If a petitioner is aggrieved by the Director's determination under subsection (b) of this section, the petitioner may bring an action in the Superior Court for mandamus relief within 45 days after the petitioner receives written notice of the determination under subsection (b)(2) of this section.

(2) The Superior Court shall review de novo any request for mandamus relief.

**Credits**

(Mar. 5, 1981, D.C. Law 3-143, § 4a, as added [Dec. 13, 2017, D.C. Law 22-33, § 1012\(d\), 64 DCR 7652.](#))

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DC CODE § 2-423.01

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Subchapter III. Unjust Imprisonment.

DC ST § 2-423.02

§ 2-423.02. Compensation and other benefits.

Effective: December 13, 2017

[Currentness](#)

(a) After a petition for compensation is approved under [§ 2-423.01](#), the petitioner shall be entitled to the following:

(1) Within 60 days after a petition for compensation is approved, the Director shall compensate the petitioner as follows:

(A) For the physical injury of wrongful conviction and incarceration of the petitioner:

(i) \$200,000 for each year of incarceration, to include a pro-rated amount for partial years served; and

(ii) \$40,000 for each year served on parole, probation, supervised release, or as a registered sex offender, to include a pro-rated amount for partial years served; and

(B) Reimbursement for child support payments that became due during the time the person was incarcerated, but were not paid, including any interest on child support arrearages associated with those child support payments, as well as reasonable attorney's fees for legal proceedings required to remedy outstanding obligations associated with those child support payments.

(2) In addition to compensation provided under paragraph (1) of this subsection, within 21 days after a petition for compensation is approved, the Director shall provide the petitioner with \$10,000 to assist in immediately securing services such as:

(A) Housing;

(B) Transportation;

(C) Subsistence;

§ 2-423.02. Compensation and other benefits., DC CODE § 2-423.02

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(D) Re-integrative services; and

(E) Mental and physical health care.

(3) In addition to the compensation provided under paragraphs (1) and (2) of this subsection, the petitioner shall be entitled to the following:

(A) Physical and mental health care for the duration of the petitioner's life through automatic participation in the D.C. HealthCare Alliance or any successor comprehensive community-centered health care and medical services system established pursuant to [§ 7-1405](#);

(B) Reimbursement for any tuition and fees paid to the University of the District of Columbia or the University of the District of Columbia Community College for the petitioner's education, including any necessary assistance to meet the criteria required for admittance, or a vocational or employment skills development program; and

(C)(i) If mandamus relief is granted under [§ 4-423.01\(c\)](#), reasonable attorney's fees to be paid by the District of Columbia, as ordered by the Superior Court.

(ii) The Superior Court shall award attorney's fees for each of the petitioner's attorneys pursuant to the matrix approved in *Laffey v. Northwest Airlines*, 572 F. Supp. 354 (D.D.C. 1983), as published and adjusted by the United States Attorney's Office for the District of Columbia.

(iii) In computing the hourly rates for attorney's fees under sub-subparagraph (ii) of this subparagraph, the Superior Court shall use the rates in effect at the time the mandamus relief is granted.

(b) Notwithstanding any other law, compensation awarded pursuant to this subchapter shall not be subject to any taxes or treatment as gross income under District law.

**Credits**

(Mar. 5, 1981, D.C. Law 3-143, § 4b, as added [Dec. 13, 2017, D.C. Law 22-33, § 1012\(d\)](#), [64 DCR 7652](#).)

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Current through January 30, 2018



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DC ST § 2-423.03

§ 2-423.03. Required notification for compensation.

Effective: December 13, 2017

[Currentness](#)

Within 5 business days after the release of a person from incarceration because a conviction for a felony offense contained in the District of Columbia Official Code has been reversed or set aside on the ground of innocence and unjust conviction, the Superior Court shall provide information to the person, in writing, that includes guidance on how to obtain compensation under this subchapter, and a list of nonprofit advocacy groups that assist individuals who have been wrongfully convicted and imprisoned.

**Credits**

(Mar. 5, 1981, D.C. Law 3-143, § 4c, as added [Dec. 13, 2017, D.C. Law 22-33, § 1012\(d\), 64 DCR 7652.](#))

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DC CODE § 2-423.03

Current through January 30, 2018

§ 2-423.04. Statute of limitations., DC CODE § 2-423.04

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DC ST § 2-423.04

§ 2-423.04. Statute of limitations.

Effective: December 13, 2017

[Currentness](#)

Any person filing a claim or petition under [§ 2-421](#) shall file the claim or petition no later than 2 years after the date the person received a certificate of innocence as required by [§ 2-422 \(a\)\(3\)](#) and [\(b\)\(3\)](#).

**Credits**

(Mar. 5, 1981, D.C. Law 3-143, § 4d, as added [Dec. 13, 2017, D.C. Law 22-33, § 1012\(d\), 64 DCR 7652.](#))

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§ 2-424. Application of subchapter--Date of release., DC CODE § 2-424

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Subchapter III. Unjust Imprisonment.

DC ST § 2-424

Formerly cited as DC ST 1981 §1-1224

§ 2-424. Application of subchapter--Date of release.

**Currentness**

This subchapter shall apply to any person whose release from unjust imprisonment occurred on or after June 1, 1979: Provided, that the provisions of § 12-309 shall not apply to any cause of action for unjust imprisonment arising prior to the effective date of this subchapter.

**Credits**

(Mar. 5, 1981, D.C. Law 3-143, § 5, 27 DCR 4656.)

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DC CODE § 2-424

Current through January 30, 2018

§ 2-425. Application of subchapter--Entry of guilty plea., DC CODE § 2-425

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Subchapter III. Unjust Imprisonment.

DC ST § 2-425  
Formerly cited as DC ST 1981 §1-1225

§ 2-425. Application of subchapter--Entry of guilty plea.

**Currentness**

This subchapter shall not apply to any person whose conviction resulted from his entering a plea of guilty unless that plea was pursuant to [North Carolina v. Alford, 400 U.S. 25 \(1970\)](#).

**Credits**

(Mar. 5, 1981, D.C. Law 3-143, § 6, 27 DCR 4656.)

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