**Fair Compensation for Maryland Exonerees**

* **35 states + federal gov’t** have exoneree compensation laws.
* Only **11 of over 30** Maryland exonerees have been compensated.
* Without state compensation, exonerees file federal civil rights lawsuits, which have **cost Maryland taxpayers over $24 million**. Taxpayers cover years of litigation costs & there is no limit on the amount that can be awarded.

**Problems with Exoneree Compensation Law:**

1. **No set amount**: Most states have a fixed dollar amount for each year of wrongful incarceration.
2. **Board of Public Works should not be in charge**. The Board of Public Works’ main role is funding capital projects. It doesn’t have the expertise to determine who should be compensated, when and how much, but under current law it has complete discretion on those decisions.
3. **Unfair eligibility requirements**: There are several different ways that an innocent Marylander can be exonerated. Currently eligibility is limited to exonerees who receive either a: 1) Governor’s pardon, or 2) state’s attorney’s approval under the writ of actual innocence law. That excludes people exonerated in other ways such as with DNA, or with evidence that was illegally withheld at trial.

**Solutions:**

1. **Provide set amount of $81,000 per year of wrongful imprisonment** (equal to state median household income).
2. **Judges should determine who is eligible.**
3. **Eligibility should be based on proof of innocence**, not the specific type of exoneration.

**Demetrius Smith** was wrongfully convicted of the 2008 Baltimore murder of Robert Long During his appeal the Drug Enforcement Agency discovered evidence that a man named Juan Morales actually committed the crime. Smith was released and Morales was convicted of the murder. Despite the fact that the real perpetrator has been convicted, Smith is ineligible for state compensation because he was exonerated under motion for new trial law and could not obtain state’s attorney certification under writ of innocence.