

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H.B. 676  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH30216-LH-38 (01/08)

Short Title: Amend Compensation for Erroneous Conviction. (Public)

Sponsors: Representatives Glazier and Daughtry (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW REGARDING COMPENSATION FOR AN ERRONEOUS  
3 CONVICTION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 148-82 reads as rewritten:

6 "§ 148-82. Provision for compensation.

7 (a) Any person who, having been convicted of a felony and having been imprisoned  
8 therefor in a State prison of this State, and who was thereafter or who shall hereafter be granted  
9 a pardon of innocence by the Governor upon the grounds that the crime with which the person  
10 was charged either was not committed at all or was not committed by that person, may as  
11 hereinafter provided present by petition a claim against the State for the pecuniary loss  
12 sustained by the person through his or her erroneous conviction and imprisonment, provided  
13 the petition is presented within five years of the granting of the pardon.

14 (b) Any person who, having been convicted of a felony ~~after pleading not guilty or not~~  
15 ~~contendere~~ and having been imprisoned therefor in a State prison of this State, and who is  
16 determined to be innocent of all charges and against whom the charges are dismissed pursuant  
17 to G.S. 15A-1469 may as hereinafter provided present by petition a claim against the State for  
18 the pecuniary loss sustained by the person through his or her erroneous conviction and  
19 imprisonment, provided the petition is presented within five years of the date that the dismissal  
20 of the charges is entered by the three-judge panel under G.S. 15A-1469.

21 (c) Any person who, having been convicted of a felony and having been imprisoned  
22 therefor in a State prison of this State, and who is determined to be innocent of all charges and  
23 against whom the charges are dismissed pursuant to G.S. 15A-1417(a)(2) or G.S. 15A-1420(e)  
24 may as hereinafter provided present by petition a claim against the State for the pecuniary loss  
25 sustained by the person through his or her erroneous conviction and imprisonment, provided  
26 the petition is presented within five years of the date that the dismissal of the charges is entered  
27 on the basis of innocence."

28 SECTION 2. This act is effective when it becomes law.

