

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS35239-ND-74

Short Title: The Ronnie Long No Cap Act. (Public)

Sponsors: Senators Burgin, Britt, and Meyer (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO SUPPORT PERSONS ERRONEOUSLY CONVICTED OF FELONIES, TO BE
KNOWN AS THE RONNIE LONG NO CAP ACT.

Whereas, the State of North Carolina is committed to the principles of liberty and justice, and justice necessitates compensating those who wrongfully lose their liberty; and

Whereas, a price cannot be put on the loss of liberty to a wrongful conviction, including the loss of life's milestones – weddings, births, graduations, deaths, and others – that are irreplaceable; and

Whereas, in addition to life's milestones, wrongfully incarcerated people often lose their formative years to incarceration, when they otherwise would be learning skills necessary to adulthood, acquiring assets, and building savings; and

Whereas, North Carolina has recently seen the exoneration of men who have lost their liberty for decades to wrongful incarceration, including, among others, Ronnie Long (44 years of incarceration), Charles Ray Finch (43 years), Montoyae Dontae Sharpe (25 years), and Howard Dudley (24 years); and

Whereas, the \$750,000 cap on compensation resulted in wrongfully incarcerated people receiving compensation for only 15 years of the time they served for crimes they did not commit; and

Whereas, North Carolina's commitment to justice requires compensating wrongfully incarcerated people for all the years lost to wrongful incarceration; and

Whereas, removing the \$750,000 cap on compensation would meet these demands of justice and help wrongfully incarcerated people as they transition back to society and try to rebuild their lives following their unjust incarceration; Now, therefore,
The General Assembly of North Carolina enacts:

REMOVE CAP ON COMPENSATION AWARD TO EXONEREES

SECTION 1.(a) G.S. 148-84(a) reads as rewritten:

"(a) At the hearing the claimant may introduce evidence in the form of affidavits or testimony to support the claim, and the Attorney General may introduce counter affidavits or testimony in refutation. If the Industrial Commission finds from the evidence that the claimant received a pardon of innocence for the reason that the crime was not committed at all, received a pardon of innocence for the reason that the crime was not committed by the claimant, or that the claimant was determined to be innocent of all charges by a three-judge panel under G.S. 15A-1469 and also finds that the claimant was imprisoned and has been vindicated in connection with the alleged offense for which he or she was imprisoned, the Industrial Commission shall award to the claimant an amount equal to fifty thousand dollars (\$50,000) for



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each year or the pro rata amount for the portion of each year of the imprisonment actually served, including any time spent awaiting trial. However, ~~(i) in no event shall the compensation, including the compensation provided in subsection (c) of this section, exceed a total amount of seven hundred fifty thousand dollars (\$750,000), and (ii) a claimant is not entitled to compensation for any portion of a prison sentence during which the claimant was also serving a concurrent sentence for conviction of a crime other than the one for which the pardon of innocence was granted.~~

The Director of the Budget shall pay the amount of the award to the claimant out of the Contingency and Emergency Fund, or out of any other available State funds. The Industrial Commission shall give written notice of its decision to all parties concerned. The determination of the Industrial Commission shall be subject to judicial review upon appeal of the claimant or the State according to the provisions and procedures set forth in Article 31 of Chapter 143 of the General Statutes."

SECTION 1.(b) This section is effective when it becomes law and applies to awards made to claimants before, on, or after that date, provided that the retroactive applicability to awards made prior to the date this section becomes law shall only apply to claimants still living at the time this section becomes law.

EXONEREES TO RECEIVE MEDICAID COVERAGE

SECTION 2.(a) The Department of Health and Human Services, Division of Health Benefits (DHB), is directed to submit an 1115 Demonstration Waiver, State Plan amendment, or other type of waiver to the Centers for Medicare and Medicaid Services (CMS) to provide Medicaid coverage without regard to income, resources, or assets for any person meeting the criteria of a petitioner under subsections (a) or (b) of G.S. 148-82. This change to Medicaid eligibility shall begin as soon as practicable only after approval is received from CMS. If approval is not received from CMS by June 30, 2027, then the report due under subsection (b) of this section upon a denial shall be due as though a denial of this Medicaid eligibility change had been received and this subsection shall expire on that date.

SECTION 2.(b) Upon receipt of approval of the 1115 Demonstration Waiver, State Plan amendment, or other type of waiver required to be submitted under subsection (a) of this section, DHB shall submit to the Joint Legislative Oversight Committee on Medicaid a report that confirms the approval of the Medicaid eligibility changes, the date the coverage for any person meeting the criteria of a petitioner under subsections (a) or (b) of G.S. 148-82 will begin, and any cost to the State of implementing this Medicaid eligibility without regard to income, resources, or assets for any person meeting the criteria of a petitioner under subsections (a) or (b) of G.S. 148-82. Upon receipt of a denial of the 1115 Demonstration Waiver, State Plan amendment, or other type of waiver required to be submitted under subsection (a) of this section, DHB shall submit a report to the Joint Legislative Oversight Committee on Medicaid that indicates the decision by CMS and the cost to the State if Medicaid eligibility were extended without regard to income, resources, or assets for any person meeting the criteria of a petitioner under subsections (a) or (b) of G.S. 148-82 and there were no federal medical assistance percentage (FMAP) for that eligibility category.

REQUIRE THE DEPARTMENT OF ADULT CORRECTION TO PROVIDE APPROPRIATE TRANSITION SERVICES FOR EXONEREES

SECTION 3.(a) Article 8 of Chapter 148 of the General Statutes is amended by adding a new section to read:

"§ 148-84.1. Transition services.

(a) Upon release from the custody of the Department of Adult Correction, the Department shall provide transition services to any person meeting the criteria of a petitioner under

subsections (a) or (b) of G.S. 148-82. These services shall be specifically tailored to the needs of the released person, with a priority placed on housing, employment, and sustenance.

(b) The Department of Adult Correction may contract with other public or private entities for the provision of services required by subsection (a) of this section, though the ultimate responsibility to provide those services shall remain with the Department.

(c) The cost of transition services provided pursuant to this section shall total no more than twenty-five thousand dollars (\$25,000) per released person."

SECTION 3.(b) This section is effective when it becomes law and applies to persons released on or after that date.

EFFECTIVE DATE AND SEVERABILITY CLAUSE

SECTION 4.(a) Except as otherwise provided, this act is effective when it becomes law.

SECTION 4.(b) If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.