

Governor Newsom Signs Bill into Law that Ensures Wrongfully Convicted People are Rightfully Compensated by the State

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SANTA CLARA, CA – The California Innocence Coalition that includes the Northern California Innocence Project in Santa Clara, the California Innocence Project in San Diego, and Loyola Project for the Innocent in Los Angeles has issued the following statement regarding Governor Newsom’s signing of Senate Bill 446 (authored by Senators Glazer & Becker): Compensation for Exonerated Persons Reform:

Senate [Bill 446](#), ensures wrongfully convicted people whose convictions are reversed in court are rightfully compensated. Specifically, signing this legislation into law, Governor Newsom revises the current compensation procedure to establish a more fair and equitable process by shifting the burden of proof from the wrongfully convicted person to the Attorney General in compensation proceedings. Though nothing can give back the years stolen from them, this improvement of the current system will help ensure the wrongfully convicted are given a fair chance to rebuild their lives.

In California, those who have had their convictions reversed can file a claim with the Victim Compensation and Government Claims Board (VCB), the three-person ruling body overseeing claims against the state. Innocent people found wrongfully convicted are permitted to make a claim for [compensation of up to \\$140 per day](#) spent in prison, but the process for filing that claim and receiving fair compensation is cumbersome, unpredictable, and oftentimes unfair, resulting in several wrongfully convicted individuals never seeing compensation from the state for their years lost.

Exonerees throughout the state feel the pain of this injustice. Kimberly Long, Maurice Caldwell and Herman Atkins, Sr. are just a few people that have been exonerated and released from wrongful incarceration, but did not receive support services or compensation upon release.

In the current system, victims of wrongful conviction must retry their case in front of the VCB in totality. But here's the catch: there is no presumption of innocence despite a judge's ruling to overturn their conviction, which makes it possible to seek compensation in the first place. In addition, claims typically take 2.5 years to complete and require lengthy litigation. Claimants are not entitled to legal counsel and many wrongfully convicted individuals cannot afford to hire lawyers. The cards are stacked against the victims of wrongful incarceration.

To rectify this unfair system and give exonerees a fighting chance, the presumption of innocence had to be reinstated in this process.

Instead of placing the burden of proof on the claimant to prove to the VCB that they are factually innocent, Senate Bill 446 shifts the burden to the Attorney General (the representative of the state in compensation proceedings) to object to only those claims in which the Attorney General's office believes the person should not be compensated. The Attorney General must then prove by clear and convincing evidence that the claimant is not entitled to compensation.

The California Innocence Coalition is a proud sponsor of SB 446 and we are so fortunate to have had the law championed by Senators Steve Glazer (Contra Costa) and Josh Becker (San Mateo and Santa Clara), tireless advocates for justice for the wrongfully convicted, and we are thrilled by Governor Newsom's signing of this important piece of legislation into law giving wrongfully convicted people a fair shake to receive rightful compensation.