



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill # HB0093

Title: Establish compensation for wrongful conviction

Primary Sponsor: Seekins – Crowe, Kerri

Status: As Amended in House Committee

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
Expenditures:				
General Fund	Unable to Determine	Unable to Determine	Unable to Determine	Unable to Determine
Revenue:				
General Fund	Unable to Determine	Unable to Determine	Unable to Determine	Unable to Determine
Net Impact-General Fund Balance:	<u>Unable to Determine</u>	<u>Unable to Determine</u>	<u>Unable to Determine</u>	<u>Unable to Determine</u>

Description of fiscal impact: HB 93 provides for compensation to individuals wrongly convicted of felony crimes. The Department of Justice would need to provide a defense for the state for claims filed. The Department of Justice will provide for expungement and purging of conviction and arrest information. The Department of Administration (DOA) would be responsible for collecting compensation cost from local government and dispersing payments to the exonerees. DOA would be responsible for transferring the exoneree compensation from the general fund to the exoneree compensation fund. The fiscal impact is dependent on the number of exonerees, and therefore cannot be determined.

FISCAL ANALYSIS

Assumptions:

1. The number of wrongful conviction cases in any given year cannot be predicted.

Department of Corrections

2. For each wrongful conviction case, the department estimates a one-time transition assistance grant of \$5,000.
3. The bill does not define a maximum dollar amount or length of time for which rental assistance must be provided. The department is estimating that a rental voucher will be \$2,200 per month and will be paid for a period of two years.

Department of Justice

4. The Department of Justice (DOJ) incurred costs of \$223,000 for a wrongful conviction case in 2024. It is assumed that the cost to defend the state for cases filed under HB 93 would be comparable, at \$250,000 per case.
5. The DOJ has processes in place to purge conviction and arrest information from the criminal justice information network. It is anticipated that the processing of expungement orders for cases filed under HB 93 could be covered within existing resources.

Department of Administration

6. In accordance with the amended bill, 75% of the costs would be collected from local governments, while the other 25% would be taken from the general fund.
7. It is unknown how much in funds would be collected via grants and gifts, therefore these have been omitted from the calculation.
8. A 75% (local) and 25% (state) allocation of costs is reflected in the bill in Section 8 (1). However, per Section 8 (3) (b) of HB 93, the district court could impose 100% of the cost on the state.
9. The number of exonerees and the associated fiscal impact cannot be predicted, however the table below reflects the potential costs based upon the number of exonerees that are eligible for compensation. *NOTE: This table reflects an example of the costs of exonerees in FY 2026. To the extent that additional exonerees became eligible in future fiscal years, the cost would be compounded from the amounts reflected in the table.*

Wrongful Conviction Compensation									
Department of Administration									
Number of Exonerees	Percentage covered by State	Total Claimant Liability	Additional Inflation cost	Total Cost to the State	FY 2026	FY 2027	FY 2028	FY 2029	Fiscal Year when claims fully paid off
1 Exoneree	State covers 25%	\$112,500	\$0	\$112,500	100,000	12,500	-	-	
	State covers 100%	\$450,000	\$12,181	\$462,181	100,000	80,000	81,200	82,418	FY 2031
2 Exoneree	State covers 25%	\$225,000	\$46,360	\$271,360	100,000	80,000	45,675	-	
	State covers 100%	\$900,000	\$56,218	\$956,218	100,000	80,000	81,200	82,418	FY 2036
3 Exoneree	State covers 25%	\$337,500	\$2,362	\$339,863	100,000	80,000	81,200	78,663	
	State covers 100%	\$1,350,000	\$154,590	\$1,504,590	100,000	80,000	81,200	82,418	FY 2042
Department of Justice									
1 Exoneree	State covers 100%				\$250,000				
2 Exoneree	State covers 100%				\$250,000				
3 Exoneree	State covers 100%				\$250,000				
Department of Corrections									
1 Exoneree	State covers 100%				\$31,400	\$26,400			
2 Exoneree	State covers 100%				\$62,800	\$52,800			
3 Exoneree	State covers 100%				\$94,200	\$79,200			
Total State Costs									
1 Exoneree	State covers 25%	\$112,500	\$0	\$112,500	\$100,000	\$12,500	\$0	\$0	
	State covers 100%	\$450,000	\$12,181	\$462,181	\$381,400	\$106,400	\$81,200	\$82,418	
2 Exoneree	State covers 25%	\$225,000	\$46,360	\$271,360	\$100,000	\$80,000	\$45,675	\$0	
	State covers 100%	\$900,000	\$56,218	\$956,218	\$412,800	\$132,800	\$81,200	\$82,418	
3 Exoneree	State covers 25%	\$337,500	\$2,362	\$339,863	\$100,000	\$80,000	\$81,200	\$78,663	
	State covers 100%	\$1,350,000	\$154,590	\$1,504,590	\$444,200	\$159,200	\$81,200	\$82,418	

Effect on County or Other Local Revenues or Expenditures:

1. County governments would be responsible for 75% of the exoneree compensation costs. If a district court waived this cost, the county would be responsible for 0% of the cost.



Sponsor's Initials Date



Budget Director's Initials



Date