

HB 3254 - DIGEST

Declares an intent that persons who can demonstrate that they were wrongfully convicted be able to recover damages.

Finds that persons who have been wrongfully convicted of crimes and subsequently imprisoned have been uniquely victimized, and have difficulty achieving legal redress due to a variety of substantive and technical obstacles in the law, and that in light of the particular and substantial horror of being wrongfully convicted, such persons should have an available avenue of redress over and above the existing tort remedies to seek compensation for damages.

Provides that, in light of the substantial burden of proof that must be carried by such persons, it is the intent of the legislature that the court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence submitted under this act, may, in the interest of justice, give due consideration to difficulties of proof caused by the passage of time, the death or unavailability of witnesses, the destruction of evidence, or other factors not caused by such persons or those acting on their behalf.