

HB 1341-S.E - DIGEST

(DIGEST AS ENACTED)

Provides an avenue for those who have been wrongly convicted to redress the lost years of their lives.

VETO MESSAGE ON ESHB 1341

May 8, 2013

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 10 and 13, Engrossed Substitute House Bill 1341 entitled:

"AN ACT Relating to creating a claim for compensation for wrongful conviction and imprisonment."

I am pleased to join 27 states and the District of Columbia to provide compensation to individuals who have been wrongly convicted in Washington state of a felony offense and imprisoned as a result. While the impact on the person and his or her family cannot be quantified, some measure of compensation will help those wrongly convicted get back on their feet.

Under this bill, persons who clearly demonstrate that they have been wrongly convicted of a felony offense in superior court and subsequently imprisoned may bring a claim for compensation. Those individuals will receive monetary compensation based on the amount of time spent in prison and be eligible for other assistance programs to help them reintegrate into the community.

Sections 10 and 13 of the bill require payment of any wrongful conviction and imprisonment claims to be made from the state's liability account. This account is a self-insurance pool used to pay state tort claims, judgments, and settlements. State agencies pay premiums to the account based on an analysis for the claim loss history of the state agency. This methodology has passed state and federal audit scrutiny because it is based on the sound actuarial principle of examining actual claims experience. However, payments of wrongful conviction and imprisonment claims from this fund could draw a challenge from state and federal auditors because there is no state agency engaged in the conduct for which compensation is awarded under the bill. To avoid this risk, I am vetoing Sections 10 and 13 of this bill. Payments of such claims will

be paid out of the General Fund and handled in accordance with RCW 4.92.040.

For these reasons, I have vetoed Sections 10 and 13 of Engrossed Substitute House Bill 1341.

With the exception of Sections 10 and 13, Engrossed Substitute House Bill 1341 is approved.

Respectfully submitted,
Jay Inslee
Governor