

WITHDRAWN 04/24/2021

1 On page 52, after line 29, insert the following:

2 "Sec. 26. RCW 4.100.040 and 2013 c 175 s 4 are each amended to  
3 read as follows:

4 (1) In order to file an actionable claim for compensation under  
5 this chapter, the claimant must establish by documentary evidence  
6 that:

7 (a) The claimant has been convicted of one or more felonies in  
8 superior court and subsequently sentenced to a term of imprisonment,  
9 and has served all or part of the sentence;

10 (b)(i) The claimant is not currently incarcerated for any  
11 offense; and

12 (ii) During the period of confinement for which the claimant is  
13 seeking compensation, the claimant was not serving a term of  
14 imprisonment or a concurrent sentence for any crime other than the  
15 felony or felonies that are the basis for the claim;

16 (c)(i) The claimant has been pardoned on grounds consistent with  
17 innocence for the felony or felonies that are the basis for the  
18 claim; or

19 (ii) The claimant's judgment of conviction was reversed or  
20 vacated and the charging document dismissed on the basis of  
21 significant new exculpatory information or, if a new trial was  
22 ordered pursuant to the presentation of significant new exculpatory  
23 information, either the claimant was found not guilty at the new  
24 trial or the claimant was not retried and the charging document  
25 dismissed; and

26 (d) The claim is not time barred by RCW 4.100.090.

27 (2) In addition to the requirements in subsection (1) of this  
28 section, the claimant must state facts in sufficient detail for the  
29 finder of fact to determine that:

30 (a) The claimant did not engage in any illegal conduct alleged in  
31 the charging documents; and

1 (b) The claimant did not commit or suborn perjury, or fabricate  
2 evidence to cause or bring about the conviction. A guilty plea to a  
3 crime the claimant did not commit, or a confession that is later  
4 determined by a court to be false, does not automatically constitute  
5 perjury or fabricated evidence under this subsection.

6 (3) Convictions vacated, overturned, or subject to resentencing  
7 pursuant to *In re: Personal Detention of Andress*, 147 Wn.2d 602  
8 (2002), and *State v. Blake*, No. 96873-0 (Feb. 25, 2021), may not  
9 serve as the basis for a claim under this chapter unless the claimant  
10 otherwise satisfies the qualifying criteria set forth in RCW  
11 4.100.020 and this section.

12 (4) The claimant must verify the claim unless he or she is  
13 incapacitated, in which case the personal representative or agent  
14 filing on behalf of the claimant must verify the claim.

15 (5) If the attorney general concedes that the claimant was  
16 wrongly convicted, the court must award compensation as provided in  
17 RCW 4.100.060.

18 (6) (a) If the attorney general does not concede that the claimant  
19 was wrongly convicted and the court finds after reading the claim  
20 that the claimant does not meet the filing criteria set forth in this  
21 section, it may dismiss the claim, either on its own motion or on the  
22 motion of the attorney general.

23 (b) If the court dismisses the claim, the court must set forth  
24 the reasons for its decision in written findings of fact and  
25 conclusions of law."

26 Renumber the remaining sections consecutively and correct any  
27 internal references accordingly.

28 On page 52, line 34, after "24," strike "and 26" and insert "26,  
29 and 27"

EFFECT: Excludes convictions vacated, overturned, or subject to  
resentencing pursuant to *State v. Blake* from eligibility for wrongly  
convicted compensation claims, unless other qualifying criteria are  
met.

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