

---

**SUBSTITUTE SENATE BILL 5520**

---

**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Orwall, Frame, Hasegawa, Lovelett, and Saldaña)

READ FIRST TIME 01/30/26.

1 AN ACT Relating to reforming the wrongly convicted persons act;  
2 amending RCW 4.100.030, 4.100.040, 4.100.050, 4.100.060, 4.100.070,  
3 4.100.080, 4.100.090, and 28B.15.395; adding a new section to chapter  
4 4.100 RCW; and repealing RCW 4.100.020.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.100  
7 RCW to read as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10 (1) "Actually innocent" describes a person for whom a  
11 preponderance of all the evidence no longer supports a finding that  
12 the person engaged in conduct that is the basis for a felony charged  
13 in the charging document.

14 (2) "Significant new exculpatory information" means any  
15 information, without regard to its admissibility in court, that:

16 (a) Supports or is consistent with a person's claim they were  
17 wrongly convicted; and

18 (b) Was not considered by the finder of fact at trial or in a  
19 plea hearing before conviction.

1 (3) "Wrongly convicted" means a person who was charged,  
2 convicted, and imprisoned for one or more felonies of which he or she  
3 is actually innocent.

4 **Sec. 2.** RCW 4.100.030 and 2013 c 175 s 3 are each amended to  
5 read as follows:

6 (1) Any person convicted in superior court and subsequently  
7 imprisoned for one or more felonies of which he or she is actually  
8 innocent may file a claim for compensation from the state.

9 (2) If a person entitled to file a claim under subsection (1) of  
10 this section is deceased, incapacitated and incapable of filing the  
11 claim, or if he or she is a minor, or is a nonresident of the state,  
12 the claim may be filed on behalf of the claimant by an authorized  
13 agent.

14 (3) A claim filed under this chapter survives to the personal  
15 representative of the claimant as provided in RCW 4.20.046.

16 (4) All claims under this chapter must be filed in superior  
17 court. The venue for such actions is governed by RCW 4.12.020.

18 ((+2)) (5) Service of the summons and complaint is governed by  
19 RCW 4.28.080.

20 **Sec. 3.** RCW 4.100.040 and 2013 c 175 s 4 are each amended to  
21 read as follows:

22 (1) In order to file an actionable claim for compensation under  
23 this chapter, the claim must not be time barred under RCW 4.100.090  
24 and the claimant must ((establish by documentary evidence)) state  
25 facts and provide documentation in sufficient detail for the finder  
26 of fact to determine by a preponderance of the evidence that:

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

30 (b) ((+i)) The claimant did not engage in the conduct that is the  
31 basis for a felony charged in the charging document;

32 (c) The claimant did not commit or suborn perjury or fabricate  
33 evidence to cause or bring about the conviction. Any form of guilty  
34 plea to a crime the claimant did not commit, or a confession that is  
35 false or illegally obtained, does not constitute perjury or  
36 fabricated evidence under this subsection;

37 (d) The claimant is not currently incarcerated for any offense;  
38 and

1       ~~((ii))~~ (e) During the period of confinement or civil detention  
2 for which the claimant is seeking compensation, the claimant was not  
3 serving a term of imprisonment or a concurrent sentence for any crime  
4 other than the felony or felonies that are the basis for the claim(~~(~~  
5 ~~(e)(i))~~).

6       (2) In addition to the requirements of subsection (1) of this  
7 section, the claimant must state facts and present documentation in  
8 sufficient detail for the finder of fact to determine by a  
9 preponderance of the evidence that:

10       (a) The claimant has ~~((been—pardoned))~~ received a pardon,  
11 commutation, or reprieve on grounds consistent with innocence for the  
12 felony or felonies that are the basis for the claim; or

13       ~~((ii))~~ (b) The claimant's judgment of conviction was reversed  
14 or vacated ~~((and the charging document dismissed on the basis of~~  
15 significant new exculpatory information or, if a new trial was  
16 ordered pursuant to the presentation of significant new exculpatory  
17 information, either the claimant was found not guilty at the new  
18 trial or the claimant was not retried and the charging document  
19 dismissed; and

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

21       ~~(2) In addition to the requirements in subsection (1) of this~~  
22 ~~section, the claimant must state facts in sufficient detail for the~~  
23 ~~finder of fact to determine that:~~

24       ~~(a) The claimant did not engage in any illegal conduct alleged in~~  
25 ~~the charging documents; and~~

26       ~~(b) The claimant did not commit or suborn perjury, or fabricate~~  
27 ~~evidence to cause or bring about the conviction. A guilty plea to a~~  
28 ~~crime the claimant did not commit, or a confession that is later~~  
29 ~~determined by a court to be false, does not automatically constitute~~  
30 ~~perjury or fabricated evidence under this subsection.~~

31       ~~(3))~~ following the presentation or development of significant  
32 new exculpatory information, and:

33       (i) The claimant was not retried and the charges were dismissed;

34       (ii) The claimant maintained their innocence and entered a plea  
35 pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970) or *State v.*  
36 *Newton*, 87 Wn.2d 363 (1976); or

37       (iii) The claimant was retried and not convicted.

38       (3) Convictions vacated, overturned, or subject to resentencing  
39 pursuant to *In re: Personal Detention of Andress*, 147 Wn.2d 602  
40 (2002) or *State of Washington v. Blake*, 197 Wn.2d 170 (2021) may not

1 serve as the basis for a claim under this chapter unless the claimant  
2 otherwise satisfies the qualifying criteria set forth (~~(in)~~) under  
3 RCW (~~(4.100.020)~~) 4.100.030 and this section.

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

7 (5) (~~(If the)~~) (a) The attorney general (~~(concedes)~~) may concede  
8 that the claimant was wrongly convicted at any time, in which case  
9 the court must award compensation as provided in RCW 4.100.060.

10 (~~(6)(a)~~) (b) The attorney general must concede that the  
11 claimant was wrongly convicted if the claim meets the criteria set  
12 forth in subsection (1) of this section, except in the following  
13 circumstances where the attorney general may request an evidentiary  
14 hearing for the judge to assess the credibility or evidentiary value  
15 of the significant new exculpatory information in order to do further  
16 analysis to evaluate the claim:

17 (i) The conviction was reversed or vacated as part of  
18 postconviction proceedings based on the presentation of significant  
19 new exculpatory information, but no evidentiary hearing was held in  
20 court as part of the proceedings; or

21 (ii) The significant new exculpatory information is a  
22 recantation, and there has not been a judicial finding of  
23 credibility.

24 (c) If the attorney general does not concede (~~(that)~~) the  
25 (~~claimant was wrongly convicted~~) claim and the court finds after  
26 reading the claim that the claimant does not meet the filing criteria  
27 set forth in this section, it may dismiss the claim or enter summary  
28 judgment in favor of the state, either on its own motion or on the  
29 motion of the attorney general.

30 (~~(b)~~) (6) Claims under this chapter must be evaluated at all  
31 stages of the proceeding in a manner that promotes the remedial  
32 purpose of this chapter.

33 (7) If the court dismisses the claim or enters summary judgment  
34 in favor of the state, the court must set forth the reasons for its  
35 decision in written findings of fact and conclusions of law.

36 **Sec. 4.** RCW 4.100.050 and 2013 c 175 s 5 are each amended to  
37 read as follows:

38 Any party is entitled to the rights of appeal afforded parties in  
39 a civil action following a decision on such motions. (~~In the case~~

1 ~~of~~) If the claimant appeals the dismissal of a claim, review of the  
2 superior court action is de novo. If the state appeals a judgment in  
3 favor of a claimant and the claimant ultimately prevails, interest  
4 shall accrue from the date the judgment was entered pursuant to RCW  
5 4.56.115.

6 **Sec. 5.** RCW 4.100.060 and 2013 c 175 s 6 are each amended to  
7 read as follows:

8 (1) In order to obtain a judgment in his or her favor, the  
9 claimant must show by clear and convincing evidence that:

10 (a) The claimant was convicted of one or more felonies in  
11 superior court and subsequently sentenced to a term of imprisonment,  
12 and has served all or any part of the sentence;

13 (b) (i) The claimant is not currently incarcerated for any  
14 offense; and

15 (ii) During the period of confinement or civil detention for  
16 which the claimant is seeking compensation, the claimant was not  
17 serving a term of imprisonment or a concurrent sentence for any  
18 conviction other than those that are the basis for the claim;

19 (c) (i) The claimant (~~(has been pardoned)~~) received a pardon,  
20 commutation, or reprieve on grounds consistent with innocence for the  
21 felony or felonies that are the basis for the claim; or

22 (ii) The claimant's judgment of conviction was reversed or  
23 vacated (~~(and the charging document dismissed on the basis)~~)  
24 following the development or presentation of significant new  
25 exculpatory information (~~(or, if a new trial was ordered pursuant to~~  
26 ~~the presentation of significant new exculpatory information, either~~  
27 ~~the claimant was found not guilty at the new trial or the claimant~~  
28 ~~was not retried and the charging document dismissed)) and:~~

29 (A) The claimant was not retried and the charges were dismissed;

30 (B) The claimant maintained their innocence and entered a plea  
31 pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970) or *State v.*  
32 *Newton*, 87 Wn.2d 363 (1976); or

33 (C) The claimant was retried and not convicted;

34 (d) (~~The claimant did not engage in any illegal~~) A  
35 preponderance of the evidence no longer supports a finding that the  
36 claimant engaged in the conduct (alleged) charged as a felony in  
37 the charging documents; and

38 (e) The claimant did not commit or suborn perjury, or fabricate  
39 evidence to cause or bring about his or her conviction. ((A)) Any

1 form of guilty plea to a crime the claimant did not commit, or a  
2 confession that is (~~later determined by a court to be~~) false or  
3 illegally obtained, does not (~~automatically~~) constitute perjury or  
4 fabricated evidence under this subsection.

5 (2) Any pardon or proclamation issued to the claimant must be  
6 certified by the officer having lawful custody of the pardon or  
7 proclamation, and be affixed with the seal of the office of the  
8 governor, or with the official certificate of such officer before it  
9 may be offered as evidence.

10 (3) In exercising its discretion regarding the weight and  
11 admissibility of evidence, the (~~court~~) finder of fact must give due  
12 consideration to difficulties of proof caused by the passage of time  
13 or by release of evidence (~~pursuant to a plea~~), the death or  
14 unavailability of witnesses, the destruction of evidence, or other  
15 factors not caused by the (~~parties~~) claimant.

16 (4) The claimant may not be compensated for any period of time in  
17 which he or she was serving a term of imprisonment or a concurrent  
18 sentence or civil detention for any conviction other than the felony  
19 or felonies that are the basis for the claim.

20 (5) If the jury or, in the case where the right to a jury is  
21 waived, the court finds by clear and convincing evidence that the  
22 claimant was wrongfully convicted, the court must order the state to pay  
23 the actually innocent claimant the following compensation award, as  
24 adjusted for partial years served and to account for inflation from  
25 July 28, 2013:

26 (a) (~~Fifty thousand dollars~~) \$50,000 for each year of actual  
27 confinement including time spent awaiting trial or in civil detention  
28 resulting only from the wrongful conviction, and an additional  
29 (~~fifty thousand dollars~~) \$50,000 for each year served under a  
30 sentence of death (~~pursuant to chapter 10.95 RCW~~);

31 (b) (~~Twenty-five thousand dollars~~) \$25,000 for each year served  
32 on parole, community custody, or as a registered sex offender  
33 pursuant only to the felony or felonies which are grounds for the  
34 claim;

35 (c) Compensation for child support payments owed by the claimant  
36 that became due and interest on child support arrearages that accrued  
37 while the claimant was in custody on the felony or felonies that are  
38 grounds for the compensation claim. The funds must be paid on the  
39 claimant's behalf in a lump sum payment to the department of social  
40 and health services for disbursement under Title 26 RCW; and

1 (d) Reimbursement for all restitution, assessments, fees, court  
2 costs, and all other sums paid by the claimant as required by  
3 pretrial orders and the judgment and sentence (~~(; and~~

4 ~~(e) Attorneys'~~).

5 (6) The court shall award reasonable attorneys' fees and expenses  
6 pursuant to chapter 4.84 RCW to a prevailing claimant for  
7 successfully bringing the wrongful conviction claim (~~(calculated at~~  
8 ~~ten percent of the monetary damages awarded under subsection (5) (a)~~  
9 ~~and (b) of this section, plus expenses. However, attorneys' fees and~~  
10 ~~expenses may not exceed seventy-five thousand dollars. These~~)).  
11 Attorneys' fees and expenses may not be deducted from the  
12 compensation award due to the claimant and counsel is not entitled to  
13 receive additional fees or expenses from the client related to the  
14 claim. The court may not award any attorneys' fees to the claimant if  
15 the claimant fails to prove he or she was wrongly convicted.

16 (~~(6) The~~) (7) A compensation award under this chapter may not  
17 include any punitive damages.

18 (~~(7)~~) (8) The court may not offset the compensation award by  
19 any expenses incurred by the state, the county, or any political  
20 subdivision of the state including, but not limited to, expenses  
21 incurred to secure the claimant's custody, or to feed, clothe, or  
22 provide medical services for the claimant. The court may not offset  
23 against the compensation award the value of any services or reduction  
24 in fees for services to be provided to the claimant as part of the  
25 award under this section.

26 (~~(8)~~) (9) The compensation award is not income for tax  
27 purposes, except attorneys' fees awarded under (~~(subsection (5) (e)~~  
28 ~~of)~~) this section.

29 (~~(9)~~) (10) (a) Upon finding that the claimant was wrongly  
30 convicted, the court must seal the claimant's record of conviction.

31 (b) Upon request of the claimant, the court may order the  
32 claimant's record of conviction vacated if the record has not already  
33 been vacated, expunged, or destroyed under court rules. The  
34 requirements for vacating records under RCW 9.94A.640 do not apply.

35 (~~(10)~~) (11) Upon request of the claimant, the court must refer  
36 the claimant to the department of corrections or the department of  
37 social and health services for access to reentry services, if  
38 available, including but not limited to (~~(counseling on the ability~~  
39 ~~to enter into a structured settlement agreement and where to obtain~~  
40 ~~free or low-cost legal and financial advice if the claimant is not~~

1 ~~already represented,~~) the community-based transition programs and  
2 long-term support programs for housing, education, mentoring, life  
3 skills training, assessment, job skills development, mental health,  
4 and substance abuse treatment.

5 ~~((11))~~ (12) The claimant or the attorney general may initiate  
6 and agree to a claim with a structured settlement for the  
7 compensation awarded under ~~((subsection (5) of))~~ this section. During  
8 negotiation of the structured settlement agreement, the claimant must  
9 be given adequate time to consult with the legal and financial  
10 advisor of his or her choice. Any structured settlement agreement  
11 binds the parties with regard to all compensation awarded. A  
12 structured settlement agreement entered into under this section must  
13 be in writing and signed by the parties or their representatives and  
14 must clearly state that the parties understand and agree to the terms  
15 of the agreement.

16 ~~((12))~~ (13) Before approving any structured settlement  
17 agreement, the court must ensure that the claimant has an adequate  
18 understanding of the agreement. The court may approve the agreement  
19 only if the judge finds that the agreement is in the best interest of  
20 the claimant and actuarially equivalent to ~~((the))~~ a lump sum  
21 compensation award under ~~((subsection (5) of))~~ this section before  
22 taxation. When determining whether the agreement is in the best  
23 interest of the claimant, the court must consider the following  
24 factors:

- 25 (a) The age and life expectancy of the claimant;
- 26 (b) The marital or domestic partnership status of the claimant;
- 27 and
- 28 (c) The number and age of the claimant's dependents.

29 **Sec. 6.** RCW 4.100.070 and 2013 c 175 s 7 are each amended to  
30 read as follows:

31 (1) On or after July 28, 2013, when a court grants judicial  
32 relief, such as reversal and vacation of a person's conviction,  
33 consistent with the criteria established in RCW 4.100.040, the court  
34 must provide to the claimant a copy of this chapter and RCW  
35 ~~((4.100.020 through 4.100.090,))~~ 28B.15.395~~((7))~~ and 72.09.750 at the  
36 time the relief is granted.

37 (2) The clemency and pardons board or the indeterminate sentence  
38 review board, whichever is applicable, upon issuance of a pardon,  
39 commutation, or reprieve by the governor on grounds consistent with

1 innocence on or after July 28, 2013, must provide a copy of this  
2 chapter and RCW (~~(4.100.020 through 4.100.090,~~) 28B.15.395(~~(7)~~) and  
3 72.09.750 to the individual pardoned.

4 (3) If an individual entitled to receive the information required  
5 under this section shows that he or she was not provided with the  
6 information, he or she has an additional (~~(twelve months)~~) three  
7 years, beyond the statute of limitations under RCW 4.100.090, to  
8 bring a claim under this chapter.

9 **Sec. 7.** RCW 4.100.080 and 2013 c 175 s 8 are each amended to  
10 read as follows:

11 (1) It is the intent of the legislature that the (~~(remedies and)~~)  
12 monetary compensation (~~(provided)~~) calculated under this chapter  
13 shall (~~(be exclusive to all other remedies at law and in equity~~  
14 ~~against the state or any political subdivision of the state. As a~~  
15 ~~requirement to making a request for relief under this chapter, the~~  
16 ~~claimant waives any and all other remedies, causes of action, and~~  
17 ~~other forms of relief or compensation against the state, any~~  
18 ~~political subdivision of the state, and their officers, employees,~~  
19 ~~agents, and volunteers related to the claimant's wrongful conviction~~  
20 ~~and imprisonment. This waiver shall also include all state, common~~  
21 ~~law, and federal claims for relief, including claims pursuant to 42~~  
22 ~~U.S.C. Sec. 1983. A wrongfully convicted person who elects not to~~  
23 ~~pursue a claim for compensation pursuant to this chapter shall not be~~  
24 ~~precluded from seeking relief through any other existing remedy. The~~  
25 ~~claimant must execute a legal release prior to the payment of any~~  
26 ~~compensation under this chapter)) establish the monetary minimum  
27 compensation owed to a claimant pursuant to a wrongful conviction. If  
28 (~~(the release is held invalid for any reason and)~~) the claimant is  
29 awarded compensation under this chapter and receives a tort award  
30 from the state or any political subdivision of the state related to  
31 his or her wrongful conviction (~~(and incarceration)~~), the claimant  
32 must reimburse the state for the lesser of:~~

33 (a) The amount of the compensation award, excluding the portion  
34 awarded pursuant to RCW 4.100.060(5) (c) through (~~(e)~~) (d) and (6);  
35 or

36 (b) The amount received by the claimant under the tort award.

37 (2) A release dismissal agreement, plea agreement, or any similar  
38 agreement whereby a prosecutor's office or an agent acting on its  
39 behalf agrees to take or refrain from certain action if the accused

1 individual agrees to forgo legal action against the county, the state  
2 of Washington, or any political subdivision, is admissible and should  
3 be evaluated in light of all the evidence. However, any such  
4 agreement is not dispositive of the question of whether the claimant  
5 was wrongly convicted or entitled to compensation under this chapter.

6 (3) A claimant who receives a judgment for a monetary award under  
7 RCW 4.100.060 is entitled to receive an advance on the compensation  
8 award from the state general fund within 30 days of the judgment,  
9 which shall be repaid upon receipt of the full compensation award or  
10 deducted from the full compensation award. The advance shall be in an  
11 amount adjusted for inflation that is actuarially equal to one year  
12 of compensation under RCW 4.100.060(5)(a), or the full amount of  
13 compensation awarded by the court, whichever is less.

14 **Sec. 8.** RCW 4.100.090 and 2013 c 175 s 9 are each amended to  
15 read as follows:

16 (1) Except as provided in RCW 4.100.070, an action for  
17 compensation under this chapter must be commenced within ((three))  
18 six years after the grant of a pardon or other executive relief, the  
19 grant of judicial relief and satisfaction of other conditions  
20 described in ((RCW 4.100.020)) this chapter, or release from custody,  
21 whichever is later. ((However,—any)) Any action by the state  
22 challenging or appealing the grant of judicial relief or release from  
23 custody ((tolls)) shall toll the ((three)) six-year period.

24 (2) Any person((s)) meeting the criteria set forth in ((RCW  
25 4.100.020)) this chapter who was wrongly convicted before ((July 28,  
26 2013,)) the effective date of this section who maintained his or her  
27 innocence and entered a plea pursuant to North Carolina v. Alford,  
28 400 U.S. 25 (1970) or State v. Newton, 87 Wn.2d 363 (1976) may  
29 commence an action under this chapter within three years after ((July  
30 28, 2013)) the effective date of this section.

31 (3) Any person whose claim for compensation under this chapter  
32 was denied pursuant to RCW 4.100.080 as it existed prior to amendment  
33 by section 7, chapter . . ., Laws of 2026 (section 7 of this act) may  
34 file a motion to have the claim reconsidered within one year after  
35 the effective date of this section.

36 **Sec. 9.** RCW 28B.15.395 and 2015 c 55 s 215 are each amended to  
37 read as follows:

1 (1) Subject to the conditions in subsection (2) of this section  
2 and the limitations in RCW 28B.15.910, the governing boards of the  
3 state universities, the regional universities, The Evergreen State  
4 College, and the community and technical colleges, must waive all  
5 tuition and fees for the following persons:

6 (a) A wrongly convicted person; and

7 (b) Any child or stepchild of a wrongly convicted person who was  
8 born or became the stepchild of, or was adopted by, the wrongly  
9 convicted person before compensation is awarded under RCW 4.100.060.

10 (2) The following conditions apply to waivers under subsection  
11 (1) of this section:

12 (a) A wrongly convicted person must be a Washington domiciliary  
13 to be eligible for the tuition waiver.

14 (b) A child must be a Washington domiciliary (~~ages seventeen~~  
15 ~~through twenty-six~~) at least 17 years of age to be eligible for the  
16 tuition waiver. A child's marital status does not affect eligibility.

17 (c) Each recipient's continued participation is subject to the  
18 school's satisfactory progress policy.

19 (d) Tuition waivers for graduate students are not required for  
20 those who qualify under subsection (1) of this section but are  
21 encouraged.

22 (e) Recipients who receive a waiver under subsection (1) of this  
23 section may attend full time or part time. Total credits earned using  
24 the waiver may not exceed two hundred quarter credits, or the  
25 equivalent of semester credits.

26 (3) Private vocational schools and private higher education  
27 institutions are encouraged to provide waivers consistent with the  
28 terms of this section.

29 (4) For the purposes of this section:

30 (a) "Child" means a biological child, stepchild, or adopted child  
31 who was born of, became the stepchild of, or was adopted by a wrongly  
32 convicted person before compensation is awarded under RCW 4.100.060.

33 (b) "Fees" includes all assessments for costs incurred as a  
34 condition to a student's full participation in coursework and related  
35 activities at an institution of higher education.

36 (c) "Washington domiciliary" means a person whose true, fixed,  
37 and permanent house and place of habitation is the state of  
38 Washington. In ascertaining whether a wrongly convicted person or  
39 child is domiciled in the state of Washington, public institutions of

1 higher education must, to the fullest extent possible, rely upon the  
2 standards provided in RCW 28B.15.013.

3 (d) "Wrongly convicted person" means a Washington domiciliary who  
4 (~~was awarded damages under RCW 4.100.060~~) filed a successful claim  
5 under chapter 4.100 RCW.

6 NEW SECTION. **Sec. 10.** RCW 4.100.020 (Claim for compensation—  
7 Definitions) and 2013 c 175 s 2 are each repealed.

--- END ---