



## Legislation Text

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**File #:** Res 0418-2024, **Version:** \*

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### Res. No. 418

Resolution calling on the New York State Legislature to pass, and the Governor to sign S5824/A6860, in relation to claims for unjust conviction and imprisonment.

By Council Members Salaam, Cabán and Hanif

Whereas, Tragically, and inexcusably, there are many people in New York City and State that have been unjustly and wrongfully convicted of crimes and sentenced to a term of imprisonment; and

Whereas, In New York State, more than 340 individuals have had their convictions vacated and dismissed since 1989 as reported by the National Registry of Exonerations; and

Whereas, People wrongfully convicted and imprisoned often encounter formidable legal barriers in their search for justice and it is imperative to provide avenues of redress to those who have suffered this injustice; and

Whereas, Being imprisoned for a crime a person knows they did not commit is a profound injustice of inexplicable proportions that warrants restitution but for which no recompense for the suffering endured is adequate; and

Whereas, According to research conducted by High Rise Financial, a pre-settlement legal funding company, New York has paid out the highest amount of compensation to individuals wrongly incarcerated in the United States since 1989; and

Whereas, Monetary compensation cannot fully compensate for the time, experiences, and relationships lost due to wrongful conviction and imprisonment. However, if a person has been wrongfully convicted and

imprisoned they didn't commit, they may seek damages by initiating a claim against New York State for money; and

Whereas, New York State Consolidated Laws, Court of Claims Act Article II Jurisdiction §8-b of 1984 outlines the procedure for individuals to present claims for wrongful convictions and imprisonment against the state; and

Whereas, To present such a claim, the claimant must show either pardon based on innocence or reversal of conviction, along with meeting specific legal criteria, and if successful, the court awards damages deemed fair and reasonable; and

Whereas, Individuals seeking compensation under §8-b of the Court of Claims Act due to a pardon granted or the dismissal of charges, must file their claim within two years from the date of the pardon or dismissal; and

Whereas, The current two-year timeframe for filing claims under §8-b of the Court of Claims Act imposes constraints on individuals seeking redress for unjust conviction and imprisonment; and

Whereas, Extending the time limit would provide additional opportunities for those who have been wrongfully convicted to pursue rightful compensation for damages incurred; and

Whereas, S5824/A6860 sponsored by New York State Senator Leroy Comrie and New York State Assemblymember Jeffrion Aubry, respectively, seeks to amend §8-b of the Court of Claims Act of 1984 to establish a five-year timeframe during which a case can be presented for compensation to those who have been wrongfully convicted and enact other technical amendments to eligibility requirements for filing claims; and

Whereas, The City Council believes that ensuring adequate time for individuals to file claims aligns with principles of fairness within the criminal justice system, and such an extension would afford individuals

adequate time to navigate the complex legal processes involved in seeking redress for wrongful conviction and imprisonment; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign S5824/A6860, in relation to claims for unjust conviction and imprisonment.

CMB  
LS#16693  
4/24/24