



*Synopsis of House Committee Amendments**

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Legislative Service Commission

Sub. S.B. 149

124th General Assembly
(H. Civil and Commercial Law)

The Committee added provisions requiring the Auditor of State to make an adjustment of the amount that a wrongfully imprisoned individual may receive for each full year or part of a year of imprisonment and specifying the following procedures for performing such adjustment (R.C. 117.52 and 2743.49):

(1) In January of each odd-numbered year, the Auditor must adjust the bill's actual figure of \$40,330 or the actual dollar amount determined by the Auditor pursuant to the above requirement and must base the adjustment on the most current consumer price index, as provided in procedures and calculations specified in the bill, that is in effect as of January 1 of each odd-numbered year. The Auditor must certify the calculations on or before January 31 of each odd-numbered year.

(2) On or before February 15 of each odd-numbered year, the Auditor must: (a) prepare a report setting forth the amount of the adjustment, an indication of the period in which the calculated amount applies, a summary of how the amount was calculated, and a statement that the report and all related documents are available for inspection and copying at the Auditor's office and (b) transmit the report to the General Assembly and the Court of Claims.

The Committee added a provision that a wrongfully imprisoned individual is also entitled to recover the amount of the following cost debts that the Department of Rehabilitation and Correction recovered from the individual who was in custody of the Department or under the Department's supervision: (1) any user fee or copayment for services at a detention facility, including a fee or copayment for sick call visits, (2) the cost of housing and feeding the individual in a detention facility, (3) the cost of supervision of the individual, and (4) the cost of any ancillary services provided to the individual (R.C. 2743.48(E)(2)(d)).

The Committee modified the criteria that an individual must satisfy to be considered a "wrongfully imprisoned individual" to include the condition that subsequent

* This synopsis does not address amendments that may have been adopted on the House floor.

to sentencing and during or subsequent to imprisonment, *an error in procedure resulted in the individual's release* as an alternative to the condition that subsequent to sentencing and during or subsequent to imprisonment it was determined by a court of common pleas that the offense of which the individual was found guilty, including all lesser-included offenses, was not committed by the individual or by any other person (R.C. 2743.48(A)(5)).

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