

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 545 Session of 2025

INTRODUCED BY YOUNG, FLEMING, HILL-EVANS, GIRAL, KENYATTA, SANCHEZ, GUENST, PIELLI, KHAN, M. JONES, HOHENSTEIN, DALEY, FIEDLER, GREEN, MADDEN AND CEPEDA-FREYTIZ, FEBRUARY 10, 2025

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 10, 2025

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 61
 2 (Prisons and Parole) of the Pennsylvania Consolidated
 3 Statutes, in limitation of time, further providing for six
 4 months limitation; in matters affecting government units,
 5 further providing for exceptions to sovereign immunity, for
 6 limitations on damages and for exceptions to governmental
 7 immunity and providing for claims for compensation for
 8 wrongful conviction; in general administration, providing for
 9 services after wrongful conviction; and, in Pennsylvania
 10 Board of Probation and Parole, further providing for powers
 11 and duties of department.

12 The General Assembly of the Commonwealth of Pennsylvania
 13 hereby enacts as follows:

14 Section 1. Section 5522(c) of Title 42 of the Pennsylvania
 15 Consolidated Statutes is amended to read:

16 § 5522. Six months limitation.

17 * * *

18 (c) Exception.--This section shall not apply to any civil
 19 action or proceeding brought under section 8522(b)(10) or (11)
 20 (relating to exceptions to sovereign immunity) or 8542(b)(9) or
 21 (10) (relating to exceptions to governmental immunity).

22 Section 2. Section 8522(b) of Title 42 is amended by adding

1 a paragraph to read:

2 § 8522. Exceptions to sovereign immunity.

3 * * *

4 (b) Acts which may impose liability.--The following acts by
5 a Commonwealth party may result in the imposition of liability
6 on the Commonwealth and the defense of sovereign immunity shall
7 not be raised to claims for damages caused by:

8 * * *

9 (11) Wrongful conviction.--A wrongful conviction for
10 which a claim may be brought under section 8583 (relating to
11 petition for compensation).

12 Section 3. Section 8528(d) of Title 42 is amended to read:

13 § 8528. Limitations on damages.

14 * * *

15 (d) Exclusions.--This section shall not apply to damages
16 awarded under section 8522(b) (10) or (11).

17 Section 4. Section 8542(b) of Title 42 is amended by adding
18 a paragraph to read:

19 § 8542. Exceptions to governmental immunity.

20 * * *

21 (b) Acts which may impose liability.--The following acts by
22 a local agency or any of its employees may result in the
23 imposition of liability on a local agency:

24 * * *

25 (10) Wrongful conviction.--A wrongful conviction for
26 which a petition may be filed under section 8583 (relating to
27 petition for compensation).

28 * * *

29 Section 5. Chapter 85 of Title 42 is amended by adding a
30 subchapter to read:

1 (iii) The conviction was overturned, reversed or
2 vacated on direct or collateral review on the basis of
3 actual innocence and the individual subsequently entered
4 an Alford plea or plea of no contest when otherwise
5 eligible to seek retrial.

6 (iv) A full pardon has been issued by the Governor
7 on the basis of actual innocence.

8 (2) The heirs of an individual meeting the criteria
9 under paragraph (1), if the individual is deceased,
10 notwithstanding if the heirs are residents of this
11 Commonwealth.

12 (b) Ineligibility for compensation.--A claimant may not seek
13 compensation under this subchapter if any of the following
14 apply:

15 (1) The individual was an accomplice, coconspirator,
16 solicitor or accessory in the commission of the crime for
17 which the individual was originally convicted and
18 meaningfully participated in the crime.

19 (2) The individual was also serving a sentence for
20 another crime for which the individual was lawfully
21 incarcerated for the entirety of the time otherwise eligible
22 for compensation.

23 (3) The individual committed perjury or witness
24 intimidation or fabricated evidence at the original trial. A
25 confession or admission later found to be false or a guilty
26 plea, Alford plea or a plea of no contest shall not
27 constitute perjury or fabrication of evidence.

28 (4) The individual was convicted of a felony arising
29 from the same set of facts as the crime for which the
30 individual was originally convicted. A subsequent Alford plea

1 or plea of no contest based on the same set of facts as the
2 crime for which the individual was originally convicted shall
3 not bar a claimant from filing a petition.

4 § 8583. Petition for compensation.

5 (a) Form and filing.--A petition for compensation shall be
6 in a form and manner determined by the Supreme Court. Petitions
7 shall be filed and heard by Commonwealth Court. A proceeding
8 before Commonwealth Court shall be governed by rules established
9 by Commonwealth Court, which shall emphasize informality to the
10 greatest extent possible. A claimant shall not be required to be
11 represented or accompanied by an attorney.

12 (b) Contents of petition.--To present a claim for
13 compensation for wrongful conviction, the petition must include
14 a statement of claim establishing the following:

15 (1) The individual meets the eligibility criteria listed
16 under section 8582 (relating to eligibility to seek
17 compensation for wrongful conviction).

18 (2) The individual was sentenced to incarceration, or to
19 confinement in an institution under section 6403 (relating to
20 court-ordered involuntary treatment), based on the wrongful
21 conviction and has served all or any part of that sentence.

22 (3) The specific dates for which the individual is
23 seeking compensation, subject to any excludable periods.

24 (4) The individual does not have ineligibility factors
25 under section 8582.

26 (5) The specific compensation the petitioner is
27 requesting if the petition were granted.

28 (6) Evidence supporting the claimant's actual innocence
29 of the crime for which the claimant was incarcerated, which
30 may include:

1 (i) The filings under Subchapter B of Chapter 95
2 (relating to post conviction relief) from the case
3 showing that the claimant meets the criteria under
4 section 8582.

5 (ii) The court transcripts from the case showing
6 that the claimant meets the criteria under section 8582.

7 (iii) An explanation as to why the claimant should
8 be considered eligible to seek compensation.

9 (c) Service.--Upon receipt of a filed petition, the court
10 shall forward a copy of the petition to the prosecuting entity
11 which may be either:

12 (1) the district attorney in the district where the
13 individual was prosecuted; or

14 (2) the Office of Attorney General if the individual was
15 prosecuted by the Office of Attorney General.

16 (d) Response to petition.--Upon receipt of service, the
17 prosecuting entity shall within 30 days respond to the petition
18 and state that either:

19 (1) The prosecuting entity agrees that the petitioner
20 meets the eligibility for compensation and declines to oppose
21 the claim.

22 (2) The prosecuting entity disagrees that the petitioner
23 meets the eligibility for compensation and requests a hearing
24 to present evidence to oppose the claim.

25 (e) Hearings.--

26 (1) If a hearing is requested by the prosecuting entity,
27 the court shall schedule a hearing as soon as possible,
28 provided the petitioner and the prosecuting entity have at
29 least 15 days' notice.

30 (2) If the court determines a hearing is necessary to

1 determine a petitioner's eligibility and entitlement to
2 compensation, the court may schedule a hearing if the
3 petitioner and the prosecuting entity have at least 15 days'
4 notice.

5 (3) If the court denies a petition without having held a
6 hearing, the court shall provide notice to the petitioner and
7 the prosecuting entity that the petitioner has 15 days from
8 the date of the notice to request a hearing. Upon receipt of
9 a petitioner's request, the court shall schedule a hearing as
10 soon as possible, if the petitioner and the prosecuting
11 entity have at least 15 days' notice.

12 (4) Following any hearing on a petition for compensation
13 where evidence is presented, the court shall determine if all
14 the following apply:

15 (i) The petitioner meets the eligibility criteria
16 under section 8582(a).

17 (ii) The individual who is the subject of the
18 petition does not have any ineligibility factors under
19 section 8582(b).

20 (iii) The court is satisfied of the individual's
21 actual innocence of the crime for which the individual
22 was incarcerated.

23 (5) Following any hearing on a petition for
24 compensation, the court shall state its finding for the
25 record. A petitioner whose petition is determined to meet the
26 criteria in paragraph (4) is entitled to compensation under
27 section 8584 (relating to compensation).

28 (6) If the petition is denied, the petitioner has the
29 right to immediately appeal.

30 (f) Granting petition.--

1 (1) The court shall grant the petition on the merits of
2 the claim if:

3 (i) unopposed by the prosecuting entity; and

4 (ii) the court is satisfied that the petitioner
5 meets the eligibility requirements and the individual who
6 is the subject of the petition is not ineligible based on
7 ineligibility factors of section 8582.

8 (2) If a hearing was held, the court shall state its
9 findings of the petitioner's eligibility and entitlement to
10 compensation in its order granting or denying the petition.

11 (3) In an order granting the petition, the court shall
12 also order compensation under section 8584.

13 § 8584. Compensation.

14 (a) Granting of petition.--If Commonwealth Court grants a
15 petition and enters an order in favor of the petitioner:

16 (1) The court shall order the following:

17 (i) Statutory noneconomic damages, as adjusted by
18 subsection (c), of \$100,000 for each year of imprisonment
19 or involuntary treatment while awaiting a sentence of
20 death.

21 (ii) Statutory noneconomic damages, as adjusted by
22 subsection (c), of \$75,000 for each year of imprisonment
23 or involuntary treatment for any other sentence.

24 (iii) Statutory noneconomic damages, as adjusted by
25 subsection (c), of \$50,000 for each year spent on parole
26 or probation.

27 (2) The court may order the following if requested by
28 the petitioner:

29 (i) Reimbursement of unreimbursed costs, fines, fees
30 or surcharges imposed on the individual as a result of

1 the conviction which were paid by or on behalf of the
2 individual.

3 (ii) Reimbursement of unreimbursed restitution paid
4 by the individual because of the conviction.

5 (iii) Compensation for reasonable reintegrative
6 services and mental and physical health care costs
7 incurred by the individual for the period between the
8 individual's release from incarceration or involuntary
9 treatment and the date of the petitioner's award.

10 (iv) Separation services and programs available to
11 any other individual leaving incarceration.

12 (v) Reasonable attorney fees for obtaining the
13 dismissal, overturning, reversal or vacation of the
14 underlying conviction, calculated at 10% of the damage
15 awarded plus expenses. Exclusive of expenses, the fees
16 may not exceed \$75,000, as adjusted annually to account
17 for inflation from the effective date of this section,
18 unless the court approves an additional amount for good
19 cause. The fees may not be deducted from the compensation
20 awarded to the claimant nor may counsel receive
21 additional fees from the client for this matter.

22 (vi) Reasonable attorney fees and expenses for
23 obtaining compensation under this section. The fees may
24 not be deducted from the compensation awarded to the
25 claimant, nor may counsel receive additional fees from
26 the client for this matter.

27 (vii) Child support payments owed by the individual
28 that became due and interest on child support arrearages
29 that accrued during the time the individual was
30 wrongfully incarcerated but were not paid. The

1 compensation shall be provided out of the total statutory
2 noneconomic damages awarded to the petitioner under this
3 section.

4 (b) Statutory noneconomic damages.--If statutory noneconomic
5 damages are awarded, the following shall apply:

6 (1) The payment of damages shall be prorated for partial
7 years of imprisonment.

8 (2) The payment of damages shall be to or for the
9 benefit of the individual who is the subject of the petition
10 as elected by the individual.

11 (3) For a deceased individual who was wrongfully
12 convicted, the payment of damages may be to or for the
13 benefit of the heirs of the deceased individual. Damages
14 awarded shall be distributed according to a valid will or
15 trust or, if no valid will or trust exists, to the heirs in
16 the proportion the heirs would receive the personal estate of
17 the decedent in the case of intestacy. Damages awarded may
18 not be paid to creditors of the deceased individual under the
19 laws of this Commonwealth.

20 (4) The payment of damages may be in a lump sum or as an
21 annuity as chosen by the petitioner.

22 (5) Compensation awarded under this subchapter shall not
23 be considered income for the purpose of computing the tax
24 imposed under Article III of the act of March 4, 1971 (P.L.6,
25 No.2), known as the Tax Reform Code of 1971.

26 (6) The petitioner may not receive compensation for any
27 period during which the individual was also serving a
28 sentence for another crime for which the individual was
29 lawfully incarcerated.

30 (c) Adjustment of statutory noneconomic damages.--Beginning

1 January 1, 2026, and each year thereafter, the Court
2 Administrator of Pennsylvania shall determine the percentage
3 increase or decrease in the cost of living for the previous
4 calendar year, based on changes in the Consumer Price Index for
5 All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey,
6 Delaware and Maryland area as published by the Bureau of Labor
7 Statistics of the United States Department of Labor. The
8 increases or decreases shall be made in accordance with the
9 following:

10 (1) On or before July 1 of the year in which the Court
11 Administrator of Pennsylvania makes the determination
12 required under this subsection, the Court Administrator of
13 Pennsylvania shall adjust the amounts prescribed under
14 subsection (a) (1) and (2) for the following calendar year by
15 multiplying the amounts applicable to the calendar year in
16 which the adjustment is made by the percentage amount
17 determined under this subsection.

18 (2) The adjustment may not exceed 3% for any year.

19 (3) The Court Administrator of Pennsylvania shall round
20 the adjusted limitation amount to the nearest \$100. The
21 unrounded amount shall be used to calculate the adjustments
22 to the amounts in subsequent calendar years.

23 (4) The adjusted amounts shall become effective on July
24 1 of the year in which the adjustment is made and apply to
25 claims filed under this section on or after July 1 of that
26 year and before July 1 of the subsequent year.

27 (5) The Court Administrator of Pennsylvania shall submit
28 notice of the adjusted amounts to the Legislative Reference
29 Bureau for publication in the next available issue of the
30 Pennsylvania Bulletin.

1 (d) Civil offset and reimbursement.--If the petitioner
2 receives a monetary award against the Commonwealth or a
3 political subdivision of the Commonwealth in a civil action for
4 wrongful conviction or imprisonment for the crimes at issue in
5 the petition or has entered into a settlement agreement with the
6 Commonwealth or any political subdivision of the Commonwealth
7 for wrongful conviction or imprisonment for the crimes at issue
8 in the petition, the following shall apply:

9 (1) The acceptance by the claimant of a judicial award,
10 compromise or settlement, other than an award for wrongful
11 conviction, must be in writing and shall, except if procured
12 by fraud, be final and conclusive on the claimant and
13 completely bar any further action by the claimant against the
14 Commonwealth or political subdivision on the same subject
15 matter.

16 (2) The total award of statutory noneconomic damages
17 under this subchapter shall be reduced by the sum of the
18 monetary award received in the civil action or settlement
19 agreement, less attorney fees, expenses and out-of-pocket
20 costs paid by the petitioner in connection with obtaining the
21 civil action award or settlement.

22 (3) If the petitioner has already received compensation
23 under this subchapter and subsequently receives a monetary
24 award in a civil action or settlement, the petitioner shall
25 reimburse the Commonwealth or political subdivision for the
26 sum of the statutory noneconomic damages awarded under this
27 section, less attorney fees, expenses and out-of-pocket costs
28 paid by the petitioner in obtaining the civil action award or
29 settlement, up to the full amount awarded under the petition.

30 (4) Expenses incurred by the Commonwealth or any of its

1 agencies or political subdivisions, including expenses
2 incurred to secure the individual's custody or involuntary
3 treatment under section 6403 (relating to court-ordered
4 involuntary treatment), or to feed, clothe or provide medical
5 services for the individual while imprisoned and the value of
6 any goods or services provided to the individual under 61
7 Pa.C.S. Ch. 11 Subch. E (relating to services after wrongful
8 conviction) are not subject to reimbursement under this
9 subsection.

10 (e) Records.--

11 (1) Immediately following the grant of a petition, the
12 criminal history record information related to the crimes for
13 which the petition was granted shall be unavailable
14 consistent with the provisions related to limited access of
15 criminal history record information under 18 Pa.C.S. §§ 9121
16 (relating to general regulations) and 9122.2 (relating to
17 clean slate limited access) and shall have the same effect as
18 provided for under 18 Pa.C.S. § 9122.5 (relating to effects
19 of expunged records and records subject to limited access).

20 (2) The court shall notify the petitioner of the right
21 to expungement of the records and to request a copy of the
22 complete record of conviction and an automatic expungement of
23 the related criminal history record information.

24 (3) The petitioner has two years from the date of the
25 grant of the petition to request a copy of the conviction
26 record and an automatic expungement. The petitioner may
27 request a copy of the record in a manner determined by the
28 court.

29 § 8585. Notice to Treasury.

30 (a) Duty of court.--Following a ruling by Commonwealth Court

1 on a claim brought under this subchapter, the court shall
2 provide a copy of the order to the State Treasurer with a
3 statement of the total compensation due and owing to the
4 petitioner and any other person.

5 (b) Duty of Treasury Department.--Upon receipt of the
6 notice, the Treasury Department shall contact the petitioner and
7 counsel for the petitioner to make arrangements for payment.

8 § 8586. Statute of limitations.

9 (a) Filing.--

10 (1) Except as provided under subsection (b), an action
11 brought under this subchapter to seek compensation for the
12 wrongful conviction of an individual must be filed within six
13 years of the date of release from incarceration or
14 involuntary treatment or the reversal of the conviction,
15 whichever is later.

16 (2) Action by the Commonwealth challenging or appealing
17 the grant of judicial relief shall toll the six-year period.

18 (b) Commencement of action.--Notwithstanding subsection (a)
19 or any other provision of law, an individual convicted,
20 incarcerated and released from custody prior to the effective
21 date of this section must commence an action under this
22 subchapter no later than two years after the effective date of
23 this section.

24 Section 6. Chapter 11 of Title 61 is amended by adding a
25 subchapter to read:

26 SUBCHAPTER E

27 SERVICES AFTER WRONGFUL CONVICTION

28 Sec.

29 1181. Scope of subchapter.

30 1182. Eligibility for services after wrongful conviction.

1 1183. Services.

2 1184. Regulations and rules.

3 § 1181. Scope of subchapter.

4 This subchapter relates to the provision of services to a
5 wrongfully convicted individual after release.

6 § 1182. Eligibility for services after wrongful conviction.

7 An individual released from incarceration in a State
8 correctional institution or from court-ordered involuntary
9 treatment who meets the eligibility criteria under 42 Pa.C.S. §
10 8582(a)(1) (relating to eligibility to seek compensation for
11 wrongful conviction) shall be entitled to and the Commonwealth
12 shall provide each service under section 1183 (relating to
13 services).

14 § 1183. Services.

15 The Commonwealth shall provide the following services to
16 eligible individuals under section 1182 (relating to eligibility
17 for services after wrongful conviction):

18 (1) Services and programs at community corrections
19 centers and group homes under 37 Pa. Code § 94.3 (relating to
20 procedures for participation in prerelease programs).

21 (2) General assistance under 55 Pa. Code § 141.61
22 (relating to policy).

23 (3) Medical assistance for categorically needy, under
24 the following:

25 (i) 55 Pa. Code § 165.41 (relating to eligibility
26 for special allowances for supportive services).

27 (ii) 55 Pa. Code § 165.42 (relating to advance
28 provision of special allowances for supportive services).

29 (iii) 55 Pa. Code § 165.43 (relating to requests for
30 special allowances for supportive services and time

1 frames for eligibility determinations).

2 (iv) 55 Pa. Code § 165.44 (relating to verification
3 for special allowances for supportive services).

4 (v) 55 Pa. Code § 165.45 (relating to time frames
5 for authorization of special allowances for supportive
6 services).

7 (vi) 55 Pa. Code § 165.46 (relating to types of
8 special allowances for supportive services).

9 § 1184. Regulations and rules.

10 (a) Temporary regulations.--

11 (1) In order to facilitate the prompt implementation of
12 this subchapter:

13 (i) The department, the Department of Human Services
14 and the Board of Pardons may issue temporary regulations.

15 (ii) The department shall issue the temporary
16 regulations within six months of the effective date of
17 this section. Regulations adopted after the six-month
18 period shall be promulgated as provided by statute.

19 (iii) Notice of the temporary regulations shall be
20 transmitted to the Legislative Reference Bureau for
21 publication in the next available issue of the
22 Pennsylvania Bulletin.

23 (iv) The department shall post the temporary
24 regulations on its publicly accessible Internet website.

25 (v) The temporary regulations shall expire no later
26 than two years following publication of the temporary
27 regulations in the Pennsylvania Bulletin.

28 (2) The temporary regulations under paragraph (1) shall
29 be exempt from the following:

30 (i) Section 612 of the act of April 9, 1929

1 (P.L.177, No.175), known as The Administrative Code of
2 1929.

3 (ii) Sections 201, 202, 203, 204 and 205 of the act
4 of July 31, 1968 (P.L.769, No.240), referred to as the
5 Commonwealth Documents Law.

6 (iii) Sections 204(b) and 301(10) of the act of
7 October 15, 1980 (P.L.950, No.164), known as the
8 Commonwealth Attorneys Act.

9 (iv) The act of June 25, 1982 (P.L.633, No.181),
10 known as the Regulatory Review Act.

11 (b) Contents of regulations.--

12 (1) Within 120 days of the effective date of this
13 section, the department shall promulgate temporary
14 regulations to ensure that the Department of Human Services
15 receives identifying information for each individual who is
16 eligible for services under section 1182 (relating to
17 eligibility for services after wrongful conviction) and to
18 ensure that each individual is provided with:

19 (i) An application form for benefits under this
20 section.

21 (ii) An emergency stipend.

22 (iii) Notice of the ability to seek compensation as
23 provided under 42 Pa.C.S. Ch. 85 Subch. D (relating to
24 claims for compensation for wrongful conviction).

25 (2) Within 120 days of the effective date of this
26 section, the Department of Human Services shall promulgate
27 temporary regulations to implement the provision of benefits
28 under this section. The regulations shall include:

29 (i) Creation of an application for benefits.

30 (ii) Designation of an individual to process

1 application forms for benefits that are received by the
2 Department of Human Services, including ensuring that a
3 determination of eligibility for benefits does not
4 preclude the Commonwealth from opposing a determination
5 of eligibility for compensation under 42 Pa.C.S. § 8583
6 (relating to petition for compensation).

7 (iii) Drafting of procedures and guidelines for
8 making determinations on applications.

9 (iv) Requiring determinations to be made within 14
10 days of receipt of an application.

11 (3) Within 120 days of the effective date of this
12 section, the Board of Pardons shall promulgate temporary
13 regulations to ensure that the Department of Human Services
14 receives identifying information for each individual who,
15 after having been released from incarceration or court-
16 ordered involuntary treatment, is pardoned of the charges
17 underlying the incarceration and to ensure that each
18 individual is provided with:

19 (i) An application form for benefits under this
20 section.

21 (ii) An emergency stipend.

22 (iii) Notice of the ability to seek compensation as
23 provided under 42 Pa.C.S. Ch. 85 Subch. D.

24 (c) Permanent regulations.--Prior to the expiration of the
25 temporary regulations, the department, the Department of Human
26 Services and the Board of Pardons shall propose for approval
27 permanent regulations as provided by statute. The proposed
28 permanent regulations shall be consistent with subsection (b)
29 and may be the same as the temporary regulations.

30 (d) Rules of court administration.--Within 120 days of the

1 effective date of this section, the Court Administrator of
2 Pennsylvania shall propose rules of judicial administration for
3 adoption under the Pennsylvania Rules of Judicial Administration
4 to ensure that the Department of Human Services receives
5 identifying information for a wrongfully convicted individual as
6 may be available in one of the unified judicial system case
7 management systems.

8 Section 7. Section 6171(a) of Title 61 is amended by adding
9 a paragraph to read:

10 § 6171. Powers and duties of department.

11 (a) Powers and duties.--The department shall have the
12 following powers and duties:

13 * * *

14 (24) Assist the transition of an individual who has been
15 exonerated and ensure access to the services and programs
16 provided to individuals paroled under section 6132 (relating
17 to specific powers of board involving offenders).

18 * * *

19 Section 8. This act shall take effect in 60 days.