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HOUSE BILL NO. 1586

House Amendments in [] - February 3, 2025

A BILL to amend and reenact § 8.01-195.11 of the Code of Virginia and for the relief of Michael Haas, relating to compensation for wrongful inclusion on sex offender registry.

Patron Prior to Engrossment—Delegate Ware

Referred to Committee for Courts of Justice

Whereas, Michael Haas (Mr. Haas) was convicted in the Circuit Court of Powhatan County on July 22, 1994, of the felony offenses of forcibly sodomizing his two sons, crimes that he did not commit; and

Whereas, Mr. Haas was sentenced to two terms of life imprisonment, to be served concurrently for such conviction; and

Whereas, Mr. Haas served 23 years and six months in the custody of the Virginia Department of Corrections; and

Whereas, Mr. Haas's sons testified at his trial that he sexually abused them on multiple occasions and forensic evidence presented at the time substantiated such claims; and

Whereas, both of Mr. Haas's sons recanted their accusations of forcible sodomy shortly after the trial and conviction; and

Whereas, Mr. Haas began pursuing exoneration at that time; and

Whereas, Mr. Haas secured the assistance of the Mid-Atlantic Innocence Project beginning in 2014 to investigate his case; and

Whereas, Mr. Haas was released from prison on December 19, 2017, placed on parole, and required to register as a sex offender; and

Whereas, the Mid-Atlantic Innocence Project obtained further recanting affidavits from Mr. Haas's sons and uncovered evidence that his sons were coerced to testify as to the forcible sodomy by their mother and their counselor, rendering their accusations and trial testimony unreliable; and

Whereas, in the time since Mr. Haas's conviction, advances in the field of sexual abuse pediatrics have developed; and

Whereas, under currently accepted sexual abuse pediatric standards, the physical examinations of Mr. Haas's sons evidenced no indicia of abuse; and

Whereas, Mr. Haas pursued a writ of actual innocence in the Court of Appeals on July 30, 2020; and

Whereas, former Attorney General Mark Herring and current Attorney General Jason Miyares both investigated Mr. Haas's case and determined that Mr. Haas is innocent of the crimes for which he was convicted, had been wrongfully convicted, and should be entitled to a writ of actual innocence; and

Whereas, the Court of Appeals granted Mr. Haas's petition and issued a writ of actual innocence based on nonbiological evidence, vacating his convictions on April 19, 2022, pursuant to Chapter 19.3 (§ 19.2-327.10 et seq.) of Title 19.2 of the Code of Virginia; and

Whereas, Mr. Haas, as a result of his wrongful incarceration, lost 23 years and six months of his freedom and countless life experiences and opportunities, including family relations, the opportunity to further his education, and the opportunity to earn potential income from gainful employment during his years of incarceration; and

Whereas, Mr. Haas was awarded compensation for his wrongful incarceration pursuant to Chapter 12 of the Acts of Assembly of 2023; and

Whereas, the General Assembly and Governor approved a change in law during the 2024 Session of the General Assembly to provide additional compensation for individuals who were wrongfully incarcerated and required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 of the Code of Virginia in Chapter 396 of the Acts of Assembly of 2024; and

Whereas, Mr. Haas has no other means to obtain adequate relief for the imposition of a sex offender registration requirement except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-195.11 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-195.11. Compensation for wrongful incarceration.

A. 1. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony may be awarded compensation for each year of incarceration, or portion thereof. The amount of compensation per year shall be \$55,000, adjusted on July 1 of each fiscal year by the year-over-year percentage increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, or any predecessor or successor index. Calculations made pursuant to this section shall be made by the State Treasurer and

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59 rounded up to the nearest dollar.

60 2. For compensation awarded pursuant to this section on or after January 1, ~~2024~~ 2023, a wrongfully
61 incarcerated person who is awarded compensation pursuant to subdivision 1 shall also receive not less than
62 \$30,000, adjusted on July 1 of each fiscal year by the year-over-year percentage increase in the Chained
63 Consumer Price Index for all Urban Consumers (C-CPI-U), as published by the Bureau of Labor Statistics of
64 the U.S. Department of Labor, or any predecessor or successor index, for each year or fraction thereof (i) of
65 imprisonment after being sentenced to death or (ii) that such person was required to register with the Sex
66 Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 [*after*
67 *release from incarceration*] .

68 B. Any compensation computed pursuant to subsection A and approved by the General Assembly shall be
69 paid by the Comptroller by his warrant on the State Treasurer in favor of the person found to have been
70 wrongfully incarcerated. The person wrongfully incarcerated shall be paid a lump sum.

71 C. In addition to the compensation awarded pursuant to subsection A, the General Assembly shall pay to
72 the person wrongfully incarcerated the amount of any unreimbursed fine, fee, court cost, or restitution
73 imposed and paid and reasonable attorney fees and costs incurred to receive an award pursuant to this section.
74 The wrongfully incarcerated person may also be awarded other nonmonetary relief sought, including
75 counseling, housing assistance, employment assistance, health care and dental care, and personal financial
76 literacy assistance, as appropriate.

77 D. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is
78 wrongfully incarcerated for such felony shall receive a transition assistance grant of \$15,000 to be paid from
79 the Criminal Fund, which amount shall be deducted from any award received pursuant to subsection B,
80 within 30 days of receipt of the written request for the disbursement of the transition assistance grant to the
81 Executive Secretary of the Supreme Court of Virginia. Payment of the transition assistance grant from the
82 Criminal Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written
83 request signed by the Executive Secretary of the Supreme Court of Virginia. In addition, such person shall be
84 entitled to receive reimbursement up to \$10,000 for tuition for career and technical training within the
85 Virginia Community College System contingent upon successful completion of the training. Reimbursement
86 for tuition shall be provided by the comprehensive community college at which the career or technical
87 training was completed.

88 E. If an individual eligible for compensation and benefits under this section is deceased, the individual's
89 estate has standing to be compensated under this section.

90 2. *§ 1. That there is hereby appropriated from the general fund of the state treasury the sum of an amount to*
91 *be provided in the appropriation act for the relief of Michael Haas, to be paid by check issued by the State*
92 *Treasurer on warrant of the Comptroller in accordance with the provisions of Article 18.2 (§ 8.01-195.10 et*
93 *seq.) of Chapter 3 of Title 8.01 of the Code of Virginia.*

94 3. **That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation**
95 **awarded under this act.**