

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS45481-MLa-176

Short Title: Compensation for Wrongfully Detained Persons. (Public)

Sponsors: Senators Murdock and Theodros (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW FOR THE AWARD OF COMPENSATION TO PERSONS WHO THE
3 COURT FINDS WERE UNLAWFULLY DETAINED BY THE STATE OR A LOCAL
4 POLITICAL SUBDIVISION OF THE STATE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 7A of the General Statutes is amended by adding a new Article
7 to read:

8 "Article 64.

9 "Compensation to Persons Erroneously Detained.

10 "**§ 7A-810. Provision for compensation.**

11 (a) Notwithstanding any provision of law to the contrary, any person who, having been
12 civily or criminally detained by the State or a local political subdivision of the State, and who
13 was thereafter found by a court to have been unlawfully detained, may as hereinafter provided
14 present by petition a claim against the State or the local political subdivision of the State for the
15 pecuniary loss sustained by the person through his or her erroneous detention, provided the
16 petition is presented within five years of the court's finding.

17 (b) This Article does not apply to any person petitioning for compensation under
18 G.S. 148-82.

19 "**§ 7A-811. Form, requisites and contents of petition; nature of hearing.**

20 Such petition shall be addressed to the Industrial Commission and must include a full
21 statement of the facts upon which the claim is based, verified in the manner provided for verifying
22 complaints in civil actions, and it may be supported by affidavits substantiating such claim. Upon
23 its presentation, the Industrial Commission shall fix a time and a place for a hearing, shall mail
24 notice to the claimant, and shall notify the Attorney General or the attorney representing the local
25 political subdivision of the State, at least 15 days before the time fixed therefor.

26 "**§ 7A-812. Evidence; action by Industrial Commission; payment and amount of**
27 **compensation.**

28 (a) At the hearing, the claimant may introduce evidence in the form of affidavits or
29 testimony to support the claim, and the Attorney General or the attorney representing the local
30 political subdivision of the State may introduce counter affidavits or testimony in refutation. If
31 the Industrial Commission finds from the evidence that the claimant was unlawfully detained and
32 suffered harm as a result of the unlawful detention, the Industrial Commission shall award to the
33 claimant an amount equal to fifty thousand dollars (\$50,000) for each year or the pro rata amount
34 for the portion of each year of the detention, including any time spent awaiting trial. However,
35 (i) in no event shall the compensation, including the compensation provided in subsection (b) of
36 this section, exceed a total amount of seven hundred fifty thousand dollars (\$750,000) and (ii) a



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1 claimant is not entitled to compensation for any portion of a detention during which the claimant
2 was also concurrently detained for a lawful purpose.

3 The Director of the Budget shall pay the amount of the award to the claimant out of the
4 Contingency and Emergency Fund or out of any other available State funds. The Industrial
5 Commission shall give written notice of its decision to all parties concerned. The determination
6 of the Industrial Commission shall be subject to judicial review upon appeal of the claimant or
7 the State according to the provisions and procedures set forth in Article 31 of Chapter 143 of the
8 General Statutes.

9 (b) In addition to the compensation provided under subsection (a) of this section, the
10 Industrial Commission shall determine the extent to which the detention has deprived a claimant
11 of educational or training opportunities and, based upon those findings, may award any or all of
12 the following compensation for loss of life opportunities:

13 (1) Job skills training for at least one year through an appropriate State program.

14 (2) Expenses for tuition and fees at any public North Carolina community college
15 or constituent institution of The University of North Carolina for any degree
16 or program of the claimant's choice that is available from one or more of the
17 applicable institutions. Claimants are also entitled to assistance in meeting any
18 admission standards or criteria required at any of those institutions, including
19 assistance in satisfying requirements for a certificate of equivalency of
20 completion of secondary education. A claimant may apply for aid under this
21 subdivision within 10 years of the claimant's release from detention, and aid
22 shall continue for up to a total of five years when initiated within the 10-year
23 period, provided the claimant makes satisfactory progress in the courses or
24 degree program in which the claimant is enrolled.

25 (3) Any lost wages or other lost benefits that were proximately caused by the
26 detention."

27 **SECTION 2.** There is appropriated from the General Fund to the Contingency and
28 Emergency Fund established in G.S. 143C-4-4 the sum of one million dollars (\$1,000,000) in
29 nonrecurring funds to be used for any compensation awarded under Article 64 of Chapter 7A of
30 the General Statutes, as enacted by Section 1 of this act.

31 **SECTION 3.** Section 2 of this act becomes effective July 1, 2026. The remainder of
32 this act is effective retroactive to October 1, 2021, and applies to detentions occurring on or after
33 that date.