



Gibbons Capitol Report
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Repaying the Wrongly Convicted Proven Innocent by DNA

In 2003, a law was passed that compensated inmates wrongly accused of a crime and later exonerated through DNA evidence. Unfortunately, this law exempted those proven actually innocent before August 28, 2003. Currently there are four men in Missouri who were proven innocent. None of them have received any compensation from the state for the lost years of their lives.

Competing for Compensation

The fund created by the 2003 law pays those who are proven innocent because of DNA exonerations \$50 per day for each day of wrongful imprisonment, up to \$36,500 a year until the total amount is paid. Unfortunately, this money is currently paid out of the DNA Testing Fund, so exoneration payments are largely an afterthought. Even if eligibility is changed, there may not be any money to pay these four innocent men because the fund is first used to pay for DNA testing of all convicted felons in the state. The state estimates they owe a total of \$875,000 in compensation to the four inmates who were exonerated before Aug. 28, 2003.

Senate Bill 1023: Righting Our Past Wrongs

I introduced Senate Bill 1023 to make these compensation payments a priority for these men and others exonerated in the future. The bill will create a new mechanism in the state budget to provide financial relief for wrongly convicted men and women, rather than forcing them to compete for the same funds that provide for DNA tests of all inmates in Missouri. The bill provides financial relief in the form of \$50 per day or \$36,500 per year as current law allows. This money will come out of state funds provided to the Department of Corrections, rather than the DNA Testing Fund.

Helping Those Who Have Fallen Through the Cracks

These Missouri men who lost years of their lives because of a wrongful incarceration should finally get the financial relief they deserve. One man was released three days before the August 28, 2003, timeframe and was exempt from state compensation. Another, Steve Toney, was wrongly convicted of rape and spent 13 years and ten months in prison. He was exonerated by DNA evidence in 1996. Although he was set free, because he was exonerated before Aug. 28, 2003, he has been ineligible to collect any money from the state.

It is indefensible that a man lost almost 14 years of his life serving a sentence for a crime he did not commit, and the state of Missouri has not repaid him in any way for that loss of his liberty. When a DNA test proves a mistake was made, then the innocent person should receive relief.

In his moving testimony before the Senate Judiciary Committee tonight, Toney spoke in support of SB 1023 and asked the state to compensate him for the years he spent behind bars for a crime he never committed.

“I was arrested and charged for forcible rape and sodomy in 1982 and was subsequently convicted and sentenced to two consecutive life sentences for something I told from the beginning that I never committed,” Toney said. “In July of 1996 I was exonerated through DNA testing after 14 years. That’s why it’s important I came tonight to give my thanks to everyone trying to compensate me and others like me for this. This July it will be 24 years and I’m tired of waiting because it’s something I didn’t do.”

SB 1023 will allow Toney, and the three others who were exonerated by a DNA test, but who fell outside the current timeframe set by law, to finally see some financial relief for their years of wrongful imprisonment. The bill has received support from both Republicans and Democrats and I look forward to it being approved by the Senate Judiciary Committee and moving to the Senate floor for debate in the coming weeks. These men should no longer pay for our state’s mistakes.