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New Jersey could soon compensate those wrongfully put on sex offender list

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Dion Harrell spent two decades on New Jersey's sex offender registry.

He had trouble finding a job. He couldn't be alone with his kids. For a time, he was homeless.

But when a DNA test finally proved his innocence, the state had nothing to offer him for those years.

"I was surprised I wouldn't get compensation," Harrell said at a hearing in Trenton Thursday.

If you can prove that you were wrongfully imprisoned in New Jersey, you can receive up to \$50,000 for every year spent behind bars. But you're out of luck if you were forced into treatment or supervision for a sex crime you didn't commit, or if you falsely pled guilty to any crime.

State lawmakers could change that. A bipartisan bill (A1037) would allow people to receive \$25,000 for every year spent under the state's supervision, which includes sex offender lists and parole.

Innocent people who pled guilty would also be eligible.

Assemblywoman Serena DiMaso, R-Monmouth, and one of the bill's co-sponsors, said the state was obligated to help innocent people who were "proven" guilty.

"Unfortunately, our compensation laws are a little bit lacking," she said during the Assembly's Law and Public Safety Committee hearing Thursday.

Sarah Fajardo, policy director for the American Civil Liberties Union in New Jersey, testified that the money was necessary to help former inmates survive.

The proposal was introduced almost two years ago, and had already been discussed by a different committee in March. Nobody testified against it then or Thursday, but neither committee voted on it.

Advocates said they weren't sure why no vote had been scheduled. Kevin McArdle, a spokesperson for the Assembly Democrats, said Thursday's hearing was intended to give a different set of lawmakers more time to weigh the changes.

Michelle Feldman, state campaigns director for the Innocence Project, said the proposed changes would only immediately affect two people in New Jersey, including Harrell. She estimated that their combined compensation would be a one-time cost of about \$1.4 million. Feldman told NJ Advance Media that people currently blocked from compensation could also file federal civil rights lawsuits, which could lead to the state owing even more money.

Legislative researchers estimated that future annual costs would likely not exceed \$1 million.

People who pled guilty to crimes they didn't commit were blocked from receiving money in 2013, when then-Gov. Chris Christie said he would only sign a bill raising the amount of compensation available if guilty pleas were excluded.

"A person's own decision to enter a false plea, under oath and in a court, could lead to payment for the imprisonment that flowed from the defendant's own misstatement," Christie wrote in his conditional veto message.

Advocates, however, argued that people are sometimes pressured into false pleas.

Since 1989, about a tenth of those freed through DNA testing nationwide had pleaded guilty to crimes they didn't commit, according to the Innocence Project. During the same period, about a fifth of the exonerated people tracked by the National Registry of Exonerations had also pleaded guilty.

If the bill becomes law, people will have two years to apply for compensation that is not counted as taxable income. If New Jersey owed anyone more than \$1 million, the state may pay it in installments.

NJ Advance Media staff writer S.P. Sullivan contributed to this report.