SENATE . . . . . No. 3300

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

SENATE, November 12, 2026.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to compensation for victims of wrongful conviction (Senate, No. 1132), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 3300).

For the committee,
Michael J. Rodrigues

FILED ON: 11/9/2026

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In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to compensation for victims of wrongful conviction.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 5 of chapter 258D of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out subsection (A) and inserting in place thereof the following subsection:-

(A) Upon a finding or verdict that the claimant has met the requirements of section 1 by the requisite standard of proof and is not barred from compensation by section 2, the court or the jury shall determine the damages that shall be payable to the claimant. In making such determination, the court or jury shall calculate the damages to be awarded to the claimant at a rate of: (i) $115,000 for each year the claimant was incarcerated; and (ii) $57,500 for each year the claimant was on parole or probation or for each year the claimant was subject to a mandatory duty to register in the commonwealth as a consequence of the erroneous conviction; provided, however, that any overlapping periods shall be compensated only once. Any partial year of incarceration, parole, probation or required registration shall be prorated to compensate the claimant only for the portion of such year during which the claimant was incarcerated, on parole, on probation or required to register. The court may include, as part of its judgment against the

commonwealth, an order requiring the commonwealth to provide the claimant with services that are reasonable and necessary to address any deficiencies in the individual's physical and emotional condition, including, but not limited to, health care benefits under MassHealth if the claimant resides in the commonwealth and is otherwise eligible for such benefits, reentry planning, transitional assistance and housing assistance, and may waive tuition and fees for the claimant for any educational services from a state or community college in the commonwealth including, but not limited to, the University of Massachusetts at Amherst and its satellite campuses. Once the damages have been determined, the court shall enter a judgment against the commonwealth for the claimant in an amount certain, payable in either a lump sum or in annuity installment payments set by the court; provided, however, that any such annuity installment payments shall have fixed limits on their annual amount and on the time period which they shall be paid to the claimant. A judgment against the commonwealth shall not include punitive or exemplary damages. Notwithstanding any general or special law to the contrary, the clerk of court shall not add to the judgment, and the commonwealth shall not be liable for paying, any prejudgment or post judgment interest on damages. Subject to section 4, relative to award or settlements, the rights and remedies afforded to certain individuals by this chapter are not intended to limit in any way any rights or remedies that such individuals or other individuals may be entitled to exercise and pursue under chapter 258.

SECTION 2. This act shall take effect upon its passage and shall apply to all claims for compensation under chapter 258D of the General Laws, including claims pending as of the effective date of this act.