



BRAD LITTLE
GOVERNOR

March 30, 2020

The Honorable Scott Bedke
Speaker of the House
Idaho Legislature
Boise, ID 83720

VIA HAND DELIVERY

Dear Mr. Speaker,

I hereby advise you that I have transmitted to the Secretary of State without my approval, disapproved and vetoed, the following House Bill, to wit:

H 384, as amended in the Senate

within the time prescribed by law, the same having arrived in the Office of the Governor at the hour of 2:25 p.m. on March 19, 2020.

This bill has an admirable objective but establishes a flawed process to recompense the wrongfully convicted. This bill immediately forces the state into an adversarial legal proceeding in court with the claimant. The process will be expensive and time-consuming to pursue and defend, the cost of which is not contemplated in the Fiscal Note. By their very nature these proceedings will involve missing or lost evidence, dead or otherwise unavailable witnesses, constitutional victims' rights issues, and appellate review by the Idaho Supreme Court. In sum, such a court case will be exceedingly complicated to adjudicate on the abbreviated timeline this bill aspires to establish.

If the goal is to expeditiously compensate the wrongfully accused, that objective is best accomplished by entrusting the decision to grant or deny compensation to an existing board or commission, such as the Commission of Pardons and Parole or the Board of Examiners. This allows for the possibility of expedited compensation or settlement to the claimant, subject to appropriation by the Legislature. If the board or commission denies the claim, then the proceeding could go to the courts for further fact-finding, adjudication, and appellate review.

States vary in how they handle compensation to the wrongly convicted. We should be sure that the amount Idaho makes available to compensate the wrongfully convicted is comparable to the amounts other states give. In addition to financial compensation, this bill creates an unfunded mandate on the state-funded insurance plan and state colleges and universities by granting successful claimants up to eight years of state-funded medical insurance and up to 120 credit hours at state colleges and universities. The total sum of a claimant's compensation should be enough that the successful claimant can purchase insurance and an education if the successful claimant desires. This is a better approach than adding unfunded mandates to other parts of state government.

Again, I admire the intent of this bill and my office will work with the sponsors to hopefully rectify these issues to produce a bill that creates an acceptable process for quickly compensating the wrongfully convicted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Little', written in a cursive style.

Brad Little
Governor of Idaho

Cc: Secretary of State Lawrence Denney