

SB 577 -- Redline

Amended to Bill Text -- Relating to: resolution of claims against the state for wrongful imprisonment of innocent persons, exempting from taxation certain amounts an individual receives from the claims board or legislature, health benefits and other assistance for wrongfully imprisoned persons, and making an appropriation. (FE)

Deletions ~~struck~~ · Insertions underlined

- 2026 LEGISLATURE ~~LRB~~0770/1~~LRB~~4721/1 ~~MPG:cde~~JC/CH/MM/SB/JK:wli SENATE ~~AMENDMENT~~BILL ~~1,577~~100~~October~~SENATE24, BILL2025 ~~577- January~~Introduced ~~9,~~by ~~2026~~SenatorsANGGAARD ~~-,~~OfferedARSON , CABRAL-G UEVARA , R ATCLIFF, ROYS and SPREITZER, cosponsored by ~~Senato~~OYS-Representatives RODRIGUEZ , STUBBS , BEHNKE , E SMIDT, DITTRICH, GOODWIN , KAUFERT , NODL , MELOTIK , M IRESSE, MURSAU , NOVAK , RTIZ-VELEZ, SINICK, STEFFEN , TROUD , SUBECK , W ICHGERS and Z IMMERMAN .

~~At Referred the to Locations Committee indicated, on amend Judiciary the and bill Public as Safety. follows:~~

A N A CT to renumber and amend 775.05 (2);

to amend 20.505 (4) (d), 40.51 (1), 227.03 (5), 775.05 (4) and 775.05 (5);

to repeal and recreate 775.05 (3);

to create 20.515 (1) (ds), 20.515 (1) (g), 40.516, 71.05 (6) (b) 57., 227.43 (1) (bw), 301.051, 775.05 (2) (b) and (c), 775.05 (2m), 775.05 (4c) and (4d), 775.05 (4g), 775.05 (4m) and (4r), 808.085, 977.05 (4) (jr) and 977.05 (4) (jw) of the statutes;

relating to:

resolution of claims against the state for wrongful imprisonment of innocent persons, exempting from taxation certain amounts an individual receives from the claims board or legislature, health benefits and other assistance for wrongfully imprisoned persons, and making an appropriation.

Analysis by the Legislative Reference Bureau Under current law, any person who is imprisoned as the result of a conviction for a crime, who claims to be innocent of that crime, and who is released from imprisonment for that crime may petition the Claims Board for compensation for such imprisonment.

The Claims Board must hear petitions for relief of innocent - 2026 Legislature - 2 - LRB-4721/1 JC/CH/MM/SB/JK:wli SENATE BILL 577 persons who have been convicted of a crime and, after hearing the evidence on the petition, find either that the evidence is clear and convincing that the petitioner was innocent of the crime for which he or she was imprisoned or that the evidence is not clear and convincing that he or she was innocent.

If the Claims Board finds that the petitioner is innocent and that he or she did not by his or her act or failure to act contribute to bring about the conviction and imprisonment for which he or she seeks compensation, the Claims Board must find the amount that will equitably compensate the petitioner, not to exceed \$25,000 and at a rate of compensation not greater than \$5,000 per year for the imprisonment.

Compensation awarded by the Claims Board must include any amount to which the board finds the petitioner is entitled for attorney fees, costs, and disbursements.

If the Claims Board finds that the amount it can award is not an adequate compensation, the Claims Board must submit a report to the legislature specifying an amount that it considers adequate.

This bill makes changes to the process for innocent convicts to petition the Claims Board for compensation for imprisonment and provides health care coverage and other assistance to certain innocent convicts.

Claims against the state for wrongful imprisonment of innocent persons The bill provides that any petition for compensation for an innocent convict received by the Claims Board must be referred, within five days, to the Division of Hearings and Appeals in the Department of Administration.

No later than 30 days after the Claims Board receives the petition, the bill provides that DOA or the office of the prosecutor who was responsible for prosecuting the petitioner may file a written request with the Claims Board for an evidentiary hearing on the petition.

DOA must refer any request for an evidentiary hearing to the Division of Hearings and Appeals within five days after the Claims Board receives the request.

If a request for an evidentiary hearing is filed, or if the Division of Hearings and Appeals concludes that it cannot determine the petitioner's eligibility for compensation without a hearing, then the Division of Hearings and Appeals must hold a hearing on the petition no later than 60 days after the petition is filed.

If no request for an evidentiary hearing is filed and the Division of Hearings and Appeals can determine whether the petitioner is eligible for compensation without a hearing, then the Division of Hearings and Appeals must decide the matter without a hearing.

However, the bill provides that the Division of Hearings and Appeals may not deny a petition for compensation for an innocent convict without affording the petitioner an opportunity for a hearing.

The bill directs the State Public Defender to represent any petitioner who requests representation if he or she is determined to be indigent or if he or she is referred to SPD by any court.

With respect to each petition for compensation for an innocent convict, the bill provides that the Division of Hearings and Appeals must find either that the evidence is clear and convincing that the petitioner was innocent of the crime for which he or she suffered imprisonment or that the evidence is not clear and convincing that he or she was innocent.

If the Division of Hearings and Appeals finds that the evidence is clear and convincing that the petitioner was innocent of the crime for which he or she was imprisoned, the bill directs the Division of Hearings and Appeals to transmit its - 2026 Legislature - 3 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 findings to the Claims Board.

The bill directs the Claims Board to find the amount that will equitably compensate the petitioner for the imprisonment at a yearly rate of compensation of \$50,000, adjusted annually on the basis of the U.S. consumer price index for all urban consumers, U.S.

city average, as determined by the federal Department of Labor, rounded to the nearest thousand, but not to exceed a total award of \$1,000,000.

The bill provides that the Claims Board must also find any amount to which the petitioner is entitled for reasonable, actual attorney fees together with all costs and disbursements incurred by the petitioner in his or her defense, post-conviction, and compensation proceedings and all fees, surcharges, and restitution paid by the petitioner as a result of his or her arrest and imprisonment.

The bill allows the Claims Board to award the compensation described above in an annuity payable over an amount of time determined by the Claims Board but not to exceed the time the petitioner was imprisoned.

Further, the bill provides that, as a condition of eligibility for compensation, a petitioner automatically assigns to the Claims Board his or her right to any settlement, judgment, or award that may be obtained against any third party in any federal or state action for damages related to wrongful imprisonment for the crime for which the petitioner claims to be innocent.

The assignment is considered a statutory lien on any settlement, judgment, or award received by the petitioner from the third party in an amount equal to the amount of the settlement, judgment, or award, or the amount of compensation awarded to the petitioner, whichever is less.

The bill provides that no person may file a petition with the Claims Board for compensation for wrongful imprisonment if the person was imprisoned as the result of his or her conviction for a felony in any court of this state arising from the same course of conduct that resulted in conviction for the crime of which the person claims to be innocent if the person does not claim to be innocent of that felony.

Further, the bill provides that no person may file a petition with the Claims Board for compensation for wrongful imprisonment if the person is convicted of a violent crime after his or her release from imprisonment.

The bill allows certain family members of a deceased person who had the right to petition the Claims Board for compensation for wrongful imprisonment at the time of his or her death to petition the Claims Board for compensation on behalf of the decedent within one year after the death of the decedent.

If more than one family member may petition the Claims Board for compensation for wrongful imprisonment of the same decedent, the bill provides that multiple family members may file a joint petition.

If the Claims Board finds that a decedent was innocent of the crime for which he or she was imprisoned and finds an amount that would equitably compensate the decedent pursuant to the procedures discussed above, then the bill provides that the Claims Board must equitably allocate the award to the decedent's eligible family members.

The bill provides that the right of a family member to petition the Claims Board for compensation on behalf of a decedent may not be modified by the decedent's will.

The bill exempts from taxation the payments that a person, or his or her estate, receives from the Claims Board or from the state legislature as a result of Claims Board action.

- 2026 Legislature - 4 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 SECTION 1 Health care coverage and other assistance Under current law, the Group Insurance Board contracts on behalf of the state for the purpose of providing health care coverage to state employees.

The bill allows petitioners who receive compensation from the state for wrongful imprisonment to elect health care coverage under plans offered by the GIB to state employees.

Such a petitioner may elect coverage for a period equal to the time he or she was imprisoned, but not to exceed five years.

However, a petitioner who is eligible to obtain health care coverage offered by his or her employer or by the employer of his or her spouse may not elect or continue health care coverage as provided in the bill.

Under the bill, if such petitioners elect coverage under plans offered by the GIB, they are required to pay the same health insurance premium amounts that state employees are required to pay, with the balance of the premium cost paid by the state.

Under the bill, if a person is released from imprisonment on the basis of a claim of innocence, the person may petition the court for 1) a court order directing the Department of Corrections to create a

transition-to-release plan;

2) a financial assistance award not to exceed 133 percent of the federal poverty level;

and 3) sealing of all records related to the case.

If the person pursues a successful petition for wrongful imprisonment, any temporary financial assistance he or she received upon release from prison is subtracted from any compensation he or she receives for wrongful imprisonment.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1.

20.505 (4) (d) of the statutes is amended to read:

20.505 (4) (d) Claims awards.

A sum sufficient for payment of awards made by the claims board or department of administration under ss.

16.007, 775.05 (4), 775.06 and 775.11, awards of financial assistance under s.

808.085, and awards made by an act of the legislature arising from a claim filed with the claims board which are not directed by law or under s.

16.007 (6m) to be paid from another appropriation.

- 2026 Legislature - 5 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 SECTION 2 S ECTION 2.

20.515 (1) (ds) of the statutes is created to read:

20.515 (1) (ds) Payment of health insurance premiums for petitioners who receive compensation for wrongful imprisonment.

A sum sufficient to pay the state's share of premium costs for health care benefits and the cost of administering the benefits for petitioners under s.

40.516.

S ECTION 3.

20.515 (1) (g) of the statutes is created to read:

20.515 (1) (g) Benefit and coverage payments;

health care coverage for petitioners who receive compensation for wrongful imprisonmentAll moneys received from petitioners under s.

40.516 who elect to be included in a health care coverage plan under s.

40.51 (6), for the payment of benefits and the cost of administering benefits for the petitioners.

S ECTION 4.

40.51 (1) of the statutes is amended to read:

40.51 (1) The procedures and provisions pertaining to enrollment, premium transmitted and coverage of eligible employees and petitioners eligible for health care coverage under s.

40.516 for health care benefits shall be established by contract or rule except as otherwise specifically provided by this chapter.

S ECTION 5.

40.516 of the statutes is created to read:

40.516 Health care coverage for petitioners who receive compensation for wrongful imprisonment.

(1) Any petitioner who receives compensation under s.

775.05 may elect coverage under any health care coverage plan offered under s.

40.51 (6).

Coverage under this subsection shall continue for a period equal to the time he or she was imprisoned, but not to exceed 5 years.

Any petitioner who receives compensation under s.

775.05 and who is eligible to obtain - 2026 Legislature - 6 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 SECTION 5 health care coverage offered by his or her employer or by the employer of his or her spouse cannot elect or continue coverage under this subsection.

(2) (a) Any petitioner who receives compensation under s.

775.05 and who elects coverage under sub.

(1) shall jointly pay with the state all of the following:

PageThe 15, full line premium 6:cost of health care coverage.

delete2. lines 6 to 14 and substitute:

~~"(1) The Except cost as of provided administering in the subs. benefits under sub.~~

~~(2)(1). to (4), this act first applies retroactively to persons released before the effective date of this subsection from imprisonment for crimes of which they claim to be innocent.~~

~~If (b) a The person amount was that released the from petitioner imprisonment is and required accepted compensation from this state for wrongful imprisonment prior to the pay effective in date health of insurance this premiums subsection, under the par. person may petition for additional compensation.~~

~~The (a) claims shall board equal shall the consider amount required to be paid by state employees, as determined by the petition administrator and of award the compensation division to of personnel management in the extent department payable of administration under s.~~

~~775.0540.05 notwithstanding (4) any (ah). release signed by the claimant as a condition precedent to receiving an initial compensation award."~~

~~(END) The remainder of the premium cost for health care coverage for petitioners who elect coverage under sub.~~

(1) shall be paid from the appropriation account under s.

20.515 (1) (ds).

S ECTION 6.

71.05 (6) (b) 57.

of the statutes is created to read:

71.05 (6) (b) 57.

In the taxable year that relates to the year in which a payment is received, any amount received by an individual, or the individual's estate, from the claims board under s.

775.05 (4), from the legislature under the process described in s.

775.05 (4), from the state as a result of the state's payment of a petitioner's premium costs under s.

40.516 (2) to the extent that the amount is recognized by the individual as income, or from a financial assistance award granted under s.

808.085.

S ECTION 7.

227.03 (5) of the statutes is amended to read:

227.03 (5) This chapter does not apply to proceedings of the claims board, except as provided in ss.

775.05 (5), 775.06 (7) and 775.11 (2), and except that - 2026 Legislature - 7 - LRB-4721/1

JC/CH/MM/SB/JK:wlj SENATE BILL 577 SECTION 7 proceedings under s.

775.05 are subject to this chapter, unless otherwise provided in s.

775.05.

S ECTION 8.

227.43 (1) (bw) of the statutes is created to read:

227.43 (1) (bw) Assign a hearing examiner to preside over each hearing conducted under s.

775.05.

S ECTION 9.

301.051 of the statutes is created to read:

301.051 Wrongful imprisonment;

transition plan.

Not more than 5 days after a court issues an order for a plan requested by an inmate pursuant to s.

808.085 (1) (a), the department shall create a transition-to-release plan for the inmate.

The plan shall do all of the following:

(1) Provide the inmate with a written list of community resources available to the inmate upon his or her release from prison, including temporary housing and emergency shelters, food banks, education and job assistance, and health care services in the county into which the inmate will be released.

The department shall maintain up-to-date lists with contact information for each county in the state.

(2) Provide the inmate with an individual counseling session with a person trained by the department or the county into which the inmate will be released to assist inmates in the transition to release from prison.

(3) Schedule an appointment, set for not later than 2 weeks after the inmate's date of release, for the inmate to meet with a social worker or aid program administrator for the county into which the inmate will be released.

S ECTION 10.

775.05 (2) of the statutes is renumbered 775.05 (2) (a) and amended to read:

775.05 (2) (a) Any Except as provided in pars.

(b) and (c), any person who is - 2026 Legislature - 8 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 S

SECTION 10 imprisoned as the result of his or her conviction for a crime in any court of this state, of which crime the person claims to be innocent, and who is released from imprisonment for that crime after March 13, 1980, may petition the claims board for compensation for such imprisonment.

Upon receipt of the Within 5 days after the claims board receives a petition, the claims board department of administration shall transmit a copy thereof to the prosecutor who prosecuted the petitioner and the judge who sentenced the petitioner for the conviction which is the subject of the claim, or their successors in office, for the information of these persons.

SECTION 11.

775.05 (2) (b) and (c) of the statutes are created to read:

775.05 (2) (b) Paragraph (a) does not apply to a person who is imprisoned as the result of his or her conviction for a felony in any court of this state arising from the same course of conduct that resulted in conviction for the crime of which the person claims to be innocent if the person does not claim to be innocent of that felony.

(c) Paragraph (a) does not apply to a person who is convicted of a violent crime specified in s.

939.632 (1) (e) 1.

or 2.

after his or her release from imprisonment.

A person who is ineligible to petition for compensation under this paragraph is also ineligible to receive any award of compensation that has not been paid.

SECTION 12.

775.05 (2m) of the statutes is created to read:

775.05 (2m) (a) In this subsection:

1.

"Decedent" means a deceased person who had the right to petition the claims board for compensation under sub.

(2) at the time of his or her death.

2.

"Family member" means any of the following who have the right to inherit assets of a decedent pursuant to ch.

852:

- 2026 Legislature - 9 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 SECTION 12 a.

A surviving spouse or domestic partner of the decedent.

b.

A child of the decedent.

c.

A parent of the decedent.

d.

A sibling of the decedent.

(b) 1.

Any family member of a decedent may petition the claims board for compensation on behalf of the decedent within one year after the death of the decedent.

If more than one family member may petition the claims board under this paragraph, multiple family members may file a joint petition.

2.

If the claims board finds that a decedent was innocent of the crime for which he or she was imprisoned and finds an amount that would equitably compensate the decedent under sub.

(4), the claims board shall equitably allocate the award to the decedent's family members.

(c) The right of a family member to petition the claims board for compensation on behalf of a decedent may not be modified by the decedent's will.

SECTION 13.

775.05 (3) of the statutes is repealed and recreated to read:

775.05 (3) (a) In this subsection, "division" means the division of hearings and appeals in the department of administration.

(b) Within 5 days after the claims board receives a petition under sub.

(2) (a), the department of administration shall refer the petition to the division.

No later than 30 days after the claims board receives the petition, the department of administration or the office of the prosecutor who was responsible for prosecuting the petitioner may file a written request with the claims board for an evidentiary hearing on the petition.

The department of administration shall refer any request - 2026 Legislature - 10 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 S ECTION 13 for an evidentiary hearing to the division within 5 days after the claims board receives the request.

(c) If a timely request for a hearing is filed under par.

(b), or if the division concludes that it cannot determine the petitioner's eligibility for compensation without a hearing, the division shall hold a hearing on the petition no later than 60 days after the petition is filed.

If no request for a hearing is filed within the time specified in par.

(b), and the division is able to determine whether the petitioner is eligible for compensation without a hearing, the division shall decide the matter without a hearing, except that the division shall not deny a petition for compensation without affording the petitioner an opportunity for a hearing.

The division shall find either that the evidence is clear and convincing that the petitioner was innocent of the crime for which he or she suffered imprisonment or that the evidence is not clear and convincing that he or she was innocent.

S ECTION 14.

775.05 (4) of the statutes is amended to read:

775.05 (4) If the claims board division of hearings and appeals in the department of administration finds that the evidence is clear and convincing that the petitioner was innocent and that he or she did not by his or her act or failure to act contribute to bring about the conviction and imprisonment for which he or she seeks compensation, the of the crime for which he or she was imprisoned under sub.

(3) (c), the division shall transmit its findings to the claims board.

The claims board shall find the amount which will equitably compensate the petitioner, not to exceed \$25,000 and at a yearly rate of compensation not greater than \$5,000 per year determined under sub.

(4m) (a), prorated daily, for the imprisonment.

Compensation awarded by the claims board In addition, the claims board shall - 2026 Legislature - 11 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 S ECTION 14 include find any amount to which the board finds the petitioner is entitled for reasonable, actual attorney fees, notwithstanding s.

814.04, together with all costs and disbursements incurred by the petitioner in his or her defense, post?conviction, and compensation proceedings and all fees, surcharges, and restitution paid by the petitioner as a result of his or her arrest and imprisonment.

The claims board shall subtract any moneys received by the petitioner under s.

808.085.

If the claims board finds that the amount it is able to award is not an adequate compensation, it shall submit a report specifying an amount which it considers adequate to the chief clerk of each house of the legislature, for distribution to the legislature under s.

13.172 (2).

The claims board shall, subject to sub.

(4g), award the compensation specified in the decision and order disbursement, subject to sub.

(4d), of the award to the petitioner or any other individual who is entitled to receive a payment from the appropriation under s.

20.505 (4) (d), except that the total amount of the award may not exceed \$1,000,000.

S ECTION 15.

775.05 (4c) and (4d) of the statutes are created to read:

775.05 (4c) The claims board shall develop and issue a pamphlet regarding financial information management services to each petitioner or other person to whom the claims board awards compensation under sub.

(4).

The pamphlet shall include website addresses or other general contact information for publicly available financial management tools and resources.

(4d) The claims board may award the compensation specified in the decision under sub.

(4) in an annuity payable over an amount of time determined by the claims board, but not to exceed the time the petitioner was imprisoned.

S ECTION 16.

775.05 (4g) of the statutes is created to read:

- 2026 Legislature - 12 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 S ECTION 16 775.05 (4g) (a) As a condition of eligibility for compensation under sub.

(4), a petitioner shall automatically assign to the claims board, in an amount equal to the amount of compensation awarded under sub.

(4), his or her right to any settlement, judgment, or award that may be obtained against any 3rd party

in any federal or state action for damages related to wrongful imprisonment for the crime specified in sub.

(2) (a).

The petition shall, in itself, constitute an assignment by operation of law.

The assignment shall be considered a statutory lien on any settlement, judgment, or award received by the petitioner from a 3rd party in an amount equal to the amount of the settlement, judgment, or award, or the amount of compensation awarded under sub.

(4), whichever is less.

(b) If a petitioner obtains, before the claims board awards compensation under sub.

(4), a final settlement, judgment, or award for damages in a federal or state action related to wrongful imprisonment for the crime specified in sub.

(2) (a), the claims board shall subtract the amount of the settlement, judgment, or award from the compensation.

SECTION 17.

775.05 (4m) and (4r) of the statutes are created to read:

775.05 (4m) (a) The yearly rate of compensation under sub.

(4) is \$50,000 until adjusted under this paragraph.

On April 1 of each year beginning after the effective date of this paragraph

[LRB inserts date], the claims board shall adjust the yearly rate of compensation under sub.

(4) to reflect any changes in the U.S.

consumer price index for all urban consumers, U.S.

city average, as determined by the U.S.

department of labor, for the 12-month period ending on the preceding December 31, rounded to the nearest thousand.

The claims board shall submit a notice describing the updated yearly rate of compensation under this paragraph to - 2026 Legislature - 13 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 SECTION 17 the legislative reference bureau for publication in the Wisconsin Administrative Register.

(b) On January 1, 2030, and once every 5 years thereafter, the claims board shall make a recommendation to the legislature as to whether the maximum award under sub.

(4) should be changed.

(4r) At any hearing conducted under this section, the petitioner may be represented by counsel of his or her own choosing.

The department of administration shall represent the interests of the state.

SECTION 18.

775.05 (5) of the statutes is amended to read:

775.05 (5) The claims board shall keep a complete record of its proceedings in each case petition under this section and of all the evidence related to the petition.

The findings and decision of the division of hearings and appeals in the department of administration and the award of the claims board shall be subject to review as provided in ch.

227.

SECTION 19.

808.085 of the statutes is created to read:

808.085 Wrongful imprisonment;

relief.

(1) If a person is released from imprisonment on the basis of a claim of innocence, the person may petition the court for any or all of the following:

(a) A court order directing the department of corrections to create a transition-to-release plan.

(b) A financial assistance award not to exceed 133 percent of the federal poverty level for up to 14 months, or while proceedings under s.

775.05 are pending, whichever is shorter.

(c) Sealing of all records related to the case.

Records sealed under this - 2026 Legislature - 14 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 SECTION 19 paragraph shall be accessible to the person but may not be available for public inspection or through the consolidated court automation program case management system.

(2) The court shall, within 10 days after it receives the petition under sub.

(1), grant the relief sought if the person's criminal conviction was reversed, set aside, or vacated for reasons not inconsistent with the person's innocence of the crime for which he or she was convicted.

(3) If a person who is granted relief under this section is subsequently convicted of the same charges

for which he or she was granted relief, or if his or her conviction is reinstated, the person shall repay any financial assistance award granted under this section and all records related to the case shall be unsealed unless otherwise sealed for reasons unrelated to any action taken under this section.
(4) To the extent it is not contrary to or inconsistent with federal law, financial assistance a person receives pursuant to this section may not be included as income for the purpose of determining whether the person is indigent under rules promulgated under ch.

977 or for the purpose of determining the person's eligibility for any program for which the department of health services or the department of children and families provides services, benefits, or other assistance under ch.

49.

S ECTION 20.

977.05 (4) (jr) of the statutes is created to read:

977.05 (4) (jr) At the request of a person determined by the state public defender to be indigent or upon referral of any court, represent the person in proceedings under s.

775.05.

- 2026 Legislature - 15 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 S ECTION 21 S ECTION 21.

977.05 (4) (jw) of the statutes is created to read:

977.05 (4) (jw) At the request of an inmate determined by the state public defender to be indigent or upon referral of any court, represent the person in proceedings under s.

808.085.

S ECTION 22.

Initial applicability.

(1) Except as provided in subs.

(2) to (4), this act first applies with respect to petitions filed by persons who are released on or after January 1, 1990, from imprisonment for crimes of which they claim to be innocent.

If a person was released from imprisonment on or after January 1, 1990, and accepted compensation from this state for wrongful imprisonment prior to the effective date of this subsection, the person may petition for additional compensation.

The claims board may, at its discretion, consider the petition and may award compensation to the extent payable under s.

775.05 notwithstanding any release signed by the claimant as a condition precedent to receiving an initial compensation award.

(2) The treatment of s.

71.05 (6) (b) 57.

first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31, s.

71.05 (6) (b) 57.

first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(3) The treatment of s.

775.05 (4g) (a) first applies to petitions filed on the effective date of this subsection.

(4) The treatment of s.

40.516 first applies to a petitioner who receives compensation under s.

775.05 on the effective date of this subsection.

S ECTION 23.

Effective date.

- 2026 Legislature - 16 - LRB-4721/1 JC/CH/MM/SB/JK:wlj SENATE BILL 577 S ECTION 23 (1) This act takes effect on the first day of the 7th month beginning after publication.

END)