

**§8241. Wrongful imprisonment**

**1. Exceptions to immunity.** Notwithstanding any immunity of the State from suit, including the Maine Tort Claims Act, chapter 741, the State is liable for the wrongful imprisonment of a person. [PL 1993, c. 480, §1 (NEW).]

**2. Action.** The State is liable for damages for wrongful imprisonment of a person if that person alleges and proves the following by clear and convincing evidence:

A. That the person was convicted of a criminal offense under the laws of this State; [PL 1993, c. 480, §1 (NEW).]

B. That as a result of that conviction, the person was sentenced to a period of incarceration and was actually incarcerated; [PL 1993, c. 480, §1 (NEW).]

C. That subsequent to the conviction and as a condition precedent to suit, the person received a full and free pardon pursuant to the Constitution of Maine, Article V, Part First, Section 11, which is accompanied by a written finding by the Governor who grants the pardon that the person is innocent of the crime for which that person was convicted; and [PL 1993, c. 480, §1 (NEW).]

D. That the court finds that the person is innocent of the crime for which the person was convicted. [PL 1993, c. 480, §1 (NEW).]

[PL 1993, c. 480, §1 (NEW).]

**3. Scope of law.** For purposes of this chapter, a person is deemed to have committed a criminal offense notwithstanding a finding by a state or federal court that the law under which the person was convicted is violative of the Constitution of Maine or the United States Constitution.

[PL 1993, c. 480, §1 (NEW).]

**4. Governor's denial of request.** A Governor's failure to issue a written finding that the person is innocent of the crime for which the person was convicted is final and not subject to judicial view.

[PL 1993, c. 480, §1 (NEW).]

**5. Settlement.** After commencement of an action under subsection 2, the Attorney General may compromise or settle any claim under this chapter.

[PL 1993, c. 480, §1 (NEW).]

**SECTION HISTORY**

PL 1993, c. 480, §1 (NEW).

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