

**California Victim Compensation Board
Claims of Persons Erroneously Convicted of Felonies
Title 2, §§ 640-646**

INITIAL STATEMENT OF REASONS

PROBLEM STATEMENT

The California Victim Compensation Board (CalVCB) processes claims from persons seeking compensation as an erroneously convicted felon pursuant to California Penal Code sections 4900 through 4906. A successful claim results in a recommendation by CalVCB to the Legislature to make an appropriation for the claimant's sustained injury in the amount of \$140 per day of the claimant's wrongful imprisonment. (Pen. Code, § 4904.)

The statutory scheme for processing these claims has been revised several times over the past decade. Recently, in 2021, SB 446 (Glazer, Chapter 490, Statutes of 2021), reassigned and increased the burden of proof for deciding claims in which the underlying conviction was vacated by a grant of habeas corpus or motion under Penal Code section 1473.6 or 1473.7, subd. (a)(2), while also limiting the type of evidence that may satisfy that burden. (Pen. Code, §§ 4900, subd. (b), 4902, subd. (d), 4903, subds. (b) and (d), 4904.) SB 446 further expanded the definition for a finding of factual innocence, as well as the circumstances under which such a finding may be rendered. (Pen. Code, §§ 1485.5, subd. (c), 1485.55, subd. (a).) In 2019, SB 269 (Bradford, Chapter 473, Statutes of 2019) extended the deadline for filing a claim with CalVCB from two years to ten years after acquittal, pardon, dismissal of charges, or release from custody. (Pen. Code, § 4901.) In 2016, SB 1134 (Leno, Chapter 785, Statutes of 2016) mandated an automatic recommendation for claimants who received a court finding of factual innocence for all convictions underlying their incarceration. In 2015, SB 635 (Nielsen, Chapter 422, Statutes of 2015) revised the definition of injury to no longer require a showing of pecuniary harm, increased the rate of compensation from \$100 to \$140 per day, and added pre-conviction custody to that calculation. In 2013, SB 618 (Leno, Chapter 800, Statutes of 2013), rendered court findings binding upon CalVCB and barred any presumption for failing to obtain a finding of factual innocence.

Despite these significant changes, CalVCB's regulations governing Penal Code section 4900 claims have not been revised since 2012. As a result, many provisions are outdated, incomplete, or contrary to current law. This proposed regulatory action is intended to resolve all of these issues.

BENEFITS

The proposed regulations will comply with the current law governing Penal Code section 4900 claims in accordance with SB 446, as well as SB 269, SB 1134, SB 635, and SB 618. The regulations will also interpret and implement general aspects of the law as applied to specific circumstances. By doing so, the revised regulations will provide clear guidance to the parties when appearing before the Board and will enable the Board to decide these claims in a consistent and efficient manner.

PURPOSE

Section 640: The purpose of this revised regulation is to clarify the process for submitting a claim to CalVCB and referring that claim to the Attorney General for a response. It also updates the definition for injury in accordance with current law.

The specific purpose of each subdivision follows.

- **Section 640, subdivision (a):** While retaining the requirement for claimants to submit a completed “Erroneously Convicted Person Claim Form,” the revised subdivision replaces the required form from an outdated 2011 version to a current 2022 version. CalVCB will therefore be able to furnish claimants with an updated form that is consistent with the current law for processing claims under Penal Code section 4900. The revised regulation also explains that the completed form must include a detailed factual summary signed under penalty of perjury, in accordance with the requirement for a “verified” claim with a “statement of facts” in Penal Code section 4901.
- **Section 640, subdivision (b):** This subdivision expands the process for submitting a claim to CalVCB to include electronic submission via email, while retaining the ability to submit a claim via regular mail. This subdivision further explains the method for calculating the date of submission.
- **Section 640, subdivision (c):** This subdivision describes the substance of information required for inclusion in the supporting documentation, relying upon the elements for a cognizable claim as set forth in Penal Code section 4900.
- **Section 640, subdivision (d):** This subdivision explains that a submitted claim is deemed to be filed once a hearing officer confirms that it satisfies the requisite elements for jurisdiction. The date of filing is significant, as it triggers the Board’s 30-day deadline to recommend compensation under Penal Code section 4902, subdivision (a), as well as the Attorney General’s 45-day deadline to oppose a claim under section 4902, subdivision (d).
- **Section 640, subdivision (e):** This subdivision describes the process by which CalVCB will refer a claim to the Attorney General for a response, confirming that the referral may be via electronic mail only. It further specifies the format of the response to be delivered by the Attorney General in both hardcopy and electronic format, as some claimants are not represented and may lack computer access. In accordance with Penal Code section 4902, subdivision (a), it confirms that a response will not be requested in those matters for which an automatic recommendation for compensation is mandated by Penal Code section 851.865 or Penal Code section 1485.55 due to a court finding of factual innocence for the challenged conviction. It further clarifies that sections 851.865 and 1485.55 do not mandate an automatic recommendation when the court issues a finding of factual innocence for only some, but not all, of the challenged convictions. It confirms that, even if an automatic recommendation is not mandated, the finding of factual innocence for any individual conviction is nevertheless binding upon the Board, in accordance with other provisions of Penal Code section 1485.55,

as well as Penal Code section 1485.5, and Penal Code section 4903, subdivision (c).

- **Section 640, subdivision (f):** This subdivision redefines the requisite element of injury in accordance with the current version of Penal Code section 4904, which no longer requires pecuniary harm.

Section 641: The purpose of this revised regulation is to clarify the broad nature of admissible evidence in an administrative hearing on a Penal Code section 4900 claim and eliminate inconsistent limitations in accordance with current law.

The specific purpose of each subdivision follows.

- **Section 641, subdivision (a):** This subdivision eliminates the need for “substantial independent corroborating evidence” of innocence before the Board may recommend compensation, as such a requirement conflicts with the Board’ obligation to recommend compensation for claimants under Penal Code section 4900, subdivision (b), unless the Attorney General proves guilt by clear and convincing evidence.
- **Section 641, subdivision (b):** No changes are proposed to this subdivision.
- **Section 641, subdivisions (c):** This subdivision retains the existing standard that admits all relevant evidence if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, which is the standard for formal administrative hearings set forth in Government Code section 11513, subdivision (c). The subdivision solely adds a definition for relevant evidence in accordance with Evidence Code section 210.
- **Section 641, subdivisions (d), (e), and (f):** No changes are proposed to these subdivisions.

Section 642: This revised regulation explains the process by which claims may be rejected for lack of jurisdiction without consideration by the Board, and it provides specific examples of claims for which jurisdiction is lacking.

The specific purpose of each subdivision follows.

- **Section 642, subdivision (a):** This subdivision explains that the Board lacks jurisdiction to consider claims that are not submitted in compliance with Penal Code sections 4900 and 4901. As an example, the subdivision confirms that second or successive claims by a claimant challenging the same conviction fail to comply with sections 4900 and 4901, as these statutes contemplate “a claim,” rather than multiple claims. In another example, the subdivision confirms that a conviction is not “erroneous” within the meaning of Penal Code section 4900 solely because it was vacated pursuant to Penal Code section 1170.95 due to a subsequent change in the law defining felony-murder or accomplice liability. Rather, as the subdivision explains, the claim must allege that the conviction was erroneous under the law in effect at the time the charged crime was committed.

- **Section 642, subdivision (b):** This subdivision details the process by which a submitted claim may be rejected for lack of jurisdiction. Specifically, it confirms that no claim will be rejected without notifying the claimant of the jurisdictional deficiency and allowing the claimant 30 days to cure that deficiency.
- **Section 642, subdivision (c):** This subdivision clarifies that the filing date for a submitted claim that appears to lack jurisdiction is calculated based upon the date the jurisdictional deficiency is cured. The date of filing is significant, as it triggers the Board's 30-day deadline to recommend compensation under Penal Code section 4902, subdivision (a), as well as the Attorney General's 45-day deadline to oppose a claim under section 4902, subdivision (d).
- **Section 642, subdivision (d):** The revision in this subdivision merely replaces the term "filed" with "submitted" for consistency throughout the applicable regulations.

Section 643: The purpose of this revised regulation is to clarify the procedures that apply in advance of a hearing and to classify which procedures are obligatory and which may be waived under specified circumstances.

The specific purpose of each subdivision follows.

- **Section 643, subdivision (a):** This subdivision recognizes the hearing officer's discretion to request pre-hearing briefs from the parties on the merits of the claim. It also allows either party to waive submission of a brief.
- **Section 643, subdivision (b):** This subdivision requires each party to submit a pre-hearing statement that identifies anticipated witnesses and exhibits to be presented at the hearing and estimates the amount of time necessary to present this evidence at the hearing. It imposes a seven-day deadline in advance of the hearing to submit the pre-hearing statement unless the hearing officer directs otherwise.
- **Section 643, subdivisions (c) through (e):** The revisions solely update the lettering of each subdivision to consecutively follow the previous subdivisions without any substantive changes.

Section 644: The purpose of this revised regulation is to clarify the process for scheduling an administrative hearing, specify the applicable burden of proof in conformity with current law, and detail the procedure for presenting evidence at the hearing.

The specific purpose of each subdivision follows.

- **Section 644, subdivision (a):** This subdivision explains the process for scheduling an administrative hearing, which takes into consideration the availability of the parties and witnesses and guarantees at least 15 days' notice, in accordance with Penal Code section 4902, subdivisions (b) and (c). This subdivision authorizes the claimant to waive a hearing and proceed solely on the written record, unless the claim falls within subdivision (b) of Penal Code section

4900, in which case both parties must waive the hearing to proceed on the written record.

- **Section 644, subdivision (b):** The revision solely updates the lettering of this subdivision to consecutively follow the previous subdivision without any substantive change.
- **Section 644, subdivision (c):** This subdivision confirms that hearings will continue to occur in Sacramento, unless the hearing officer agrees to a different location. This subdivision recognizes the hearing officer's discretionary authority to allow appearance by electronic means.
- **Section 644, subdivision (d):** This subdivision clarifies that the claimant's burden of proof to present a preponderance of evidence showing both innocence and injury continues to apply for all claims except those proceeding under subdivision (b) of Penal Code section 4900. The subdivision specifies the order for presenting evidence at such a hearing, starting with the claimant.
- **Section 644, subdivision (e):** This subdivision explains the parties' respective burden of proof for claims proceeding under subdivision (b) of Penal Code section 4900. Specifically, the Attorney General bears the burden to prove by clear and convincing evidence that the claimant committed the acts constituting the offense for which the claimant was convicted, as currently required by Penal Code sections 4902, subdivision (d), 4903, subdivision (b), and 4904. By comparison, the claimant continues to bear the burden to prove injury by a preponderance, in accordance with Penal Code section 4904. As clarified by subdivision (e)(2), the claimant's burden to prove injury is satisfied whenever all charges underlying their incarceration were dismissed without any new convictions upon remand. But in the event of a conviction upon remand, the claimant's injury is presumptively calculated as the difference in length between the sentence served and the sentence imposed for the new conviction. Finally, this subdivision specifies the order for presenting evidence at the hearing for claims under subdivision (b) of section 4900, starting with the Attorney General.
- **Section 644, subdivisions (f) through (r):** The revisions solely update the lettering of each subdivision to consecutively follow the previous subdivisions without any substantive change.

Section 645: The purpose of this revised regulation is to clarify the timing for a hearing officer to take the pending Penal Code section claim under submission and the appropriate considerations upon which the proposed decision may be based.

The specific purpose of each subdivision follows.

- **Section 645, subdivision (a):** This subdivision clarifies that a matter will be taken under submission by the hearing officer once the administrative record closes, which may or may not be at the conclusion of the hearing if a post-hearing brief is permitted.

- **Section 645, subdivisions (b) through (e):** There are no revisions to the remaining subdivisions (b) through (e) concerning the hearing officer's proposed decision.
- **Section 645, subdivision (f):** This subdivision clarifies that the proposed decision may not deny a claim solely because the claimant failed to obtain a court finding of factual innocence in accordance with Penal Code section 1485.55, subdivision (d).

Section 646: The purpose of this new regulation is to expand the existing provisions for contempt and sanctions in the specific context of Penal Code section 4900 claims.

The specific purpose of each subdivision follows.

- **Section 646, subdivision (a):** This subdivision expands the general contempt provision that applies in all CalVCB proceedings as set forth in California Code of Regulations, title 2, section 618.3. Currently, section 618.3 applies to any person who, inter alia, obstructs or interrupts a hearing with insolent behavior toward the Board or hearing officer. This subdivision adds that contempt may also be based upon any threat of violence directed at any staff member or participant in the proceeding, whether made during or after the proceeding has concluded.
- **Section 646, subdivision (b):** This subdivision expands the general sanction provision that applies in all CalVCB proceedings as set forth in California Code of Regulations, title 2, section 618.4. Currently, section 618.4 allows sanctions against any party or representative who engages in bad faith or frivolous tactics. This subdivision adds that sanctions may be ordered against any party, representative, or witness in a proceeding under Penal Code section 4900.

NECESSITY

As detailed below, the proposed regulations and revisions are needed to comply with the current law governing Penal Code section 4900 claims in accordance with SB 446, as well as SB 269, SB 1134, SB 635, and SB 618. The regulations are also needed to interpret and implement general aspects of the law, which will provide clear guidance to the parties and ensure consistent decisions by the Board.

Section 640: This revised regulation is needed to clarify the process for submitting a claim to CalVCB and referring that claim to the Attorney General for a response. It is also needed to update the definition for injury in accordance with current law.

The specific need for each subdivision follows.

- **Section 640, subdivision (a):** The proposed revision will enable CalVCB to furnish claimants with an updated version of the required form that is consistent with the current law for processing claims under Penal Code section 4900. In addition, the proposed revision will clarify that the claim must include a detailed factual summary signed under penalty of perjury. Together, these provisions will

assist claimants by advising them at the outset of the requirements for submitting a claim which, in turn, will promote efficiency when processing these claims.

- **Section 640, subdivision (b):** The proposed revision expands the process for submitting a claim to CalVCB to include electronic submission via email, which may be preferred by some claimants in order to increase delivery speed and reduce mailing costs. The proposed revision also explains the method for calculating the date of submission, whether by electronic means or regular mail, to ensure clarity and consistency.
- **Section 640, subdivision (c):** The proposed revision describes the substance of information required for inclusion in the supporting documentation, which will provide helpful guidance to claimants when submitting a claim and promote efficiency when processing the claim.
- **Section 640, subdivision (d):** The proposed revision explains that a submitted claim is deemed to be filed once a hearing officer confirms that it satisfies the requisite elements for jurisdiction. Clarification on the method for calculating the date of filing is needed, as this event triggers the Board's 30-day deadline to recommend compensation under Penal Code section 4902, subdivision (a), as well as the Attorney General's 45-day deadline to oppose a claim under section 4902, subdivision (d).
- **Section 640, subdivision (e):** The proposed revision describes the process by which CalVCB will refer a claim to the Attorney General for a response, confirming that the referral may be via electronic mail only, which in turn may reduce mailing costs and increase delivery speed. It further specifies the format of the response to be delivered by the Attorney General in both hardcopy and electronic format, as some claimants are not represented and may lack computer access. In accordance with Penal Code section 4902, subdivision (a), it confirms that a response will not be requested in those matters for which an automatic recommendation for compensation is mandated by Penal Code section 851.865 or Penal Code section 1485.55 due to a court finding of factual innocence for the challenged conviction. It further clarifies that sections 851.865 and 1485.55 do not mandate an automatic recommendation when the court issues a finding of factual innocence for only some, but not all, of the challenged convictions. It confirms that, even if an automatic recommendation is not mandated, the finding of factual innocence for any individual conviction is nevertheless binding upon the Board, in accordance with other provisions of Penal Code section 1485.55, as well as Penal Code section 1485.5, and Penal Code section 4903, subdivision (c). All of these proposed revisions are needed to provide clarity to both claimants and the Attorney General and promote an efficient and consistent resolution of claims.
- **Section 640, subdivision (f):** The proposed revision redefines the requisite element of injury in accordance with the current version of Penal Code section 4904, which no longer requires pecuniary harm.

Section 641: This revised regulation is needed to clarify the broad nature of admissible evidence in an administrative hearing on a Penal Code section 4900 claim and eliminate inconsistent limitations in accordance with current law.

The specific need for each subdivision follows.

- **Section 641, subdivision (a):** The proposed revision eliminates the need for “substantial independent corroborating evidence” of innocence before the Board may recommend compensation, as such a requirement conflicts with the Board’s obligation to recommend compensation for claimants under Penal Code section 4900, subdivision (b), unless the Attorney General proves guilt by clear and convincing evidence.
- **Section 641, subdivision (b):** No changes are proposed to this subdivision, which provides a specific example of admissible evidence.
- **Section 641, subdivision (c):** No change is proposed to the current standard that generally admits all relevant evidence if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, which has applied to hearings under Penal Code section 4903 since at least 2010. The proposed revision only adds a definition for relevant evidence in order to provide clarity to the parties, as some claimants are not represented by counsel.
- **Section 641, subdivisions (d) through (f):** No changes are proposed to these subdivisions.

Section 642: This revised regulation is needed to explain the process by which claims may be rejected for lack of jurisdiction without consideration by the Board and provide specific examples of claims for which jurisdiction is lacking.

The specific need for each subdivision follows.

- **Section 642, subdivision (a):** The proposed revision explains that the Board lacks jurisdiction to consider claims that are not submitted in compliance with Penal Code sections 4900 and 4901, which is needed to provide clarity to claimants as to what claims may be considered. In addition, the proposed revision provides two specific examples for which jurisdiction is lacking. This fact-specific clarification of law is needed to ensure an efficient and consistent resolution of duplicative claims submitted by claimants after their original claim was denied. It is similarly needed to expeditiously resolve claims that are solely based upon a new statutory definition of a crime when the claimant had been properly charged and convicted under the former definition of that crime.
- **Section 642, subdivision (b):** The proposed revision clarifies the existing process by which a submitted claim may be rejected for lack of jurisdiction.
- **Section 642, subdivision (c):** The proposed revision clarifies the method for calculating the filing date for a submitted claim when the jurisdictional deficiency is cured. Clarity on the method for calculating this date is needed, as this event

triggers the Board's 30-day deadline to recommend compensation under Penal Code section 4902, subdivision (a), as well as the Attorney General's 45-day deadline to oppose a claim under section 4902, subdivision (d).

- **Section 642, subdivision (d):** The proposed revision replaces the term "filed" with "submitted" for consistency throughout the applicable regulations.

Section 643: This revised regulation is needed to clarify the procedures that apply in advance of a hearing to ensure an orderly and fair process.

The specific need for each subdivision follows.

- **Section 643, subdivision (a):** This proposed revision is needed to confirm the hearing officer's discretion to request pre-hearing briefs from the parties on the merits of the claim and the right by either party to waive submission of that brief.
- **Section 643, subdivision (b):** This proposed revision is needed to confirm the mandatory submission of pre-hearing statements, as well as specify the required content and timing for submission, in order to promote a fair hearing for both parties.
- **Section 643, subdivisions (c) through (e):** The proposed revisions are needed to update the lettering of each subdivision to consecutively follow the previous subdivisions without any substantive changes.

Section 644: This revised regulation is needed to clarify the process for scheduling an administrative hearing, specify the applicable burden of proof in conformity with current law, and detail the procedure for presenting evidence at the hearing. By doing so, the revised regulation will ensure both parties receive a fair and full hearing on the claim in accordance with current law.

The specific need for each subdivision follows.

- **Section 644, subdivision (a):** The proposed revision explains the process for scheduling an administrative hearing and the circumstances under which it may be waived by the parties.
- **Section 644, subdivision (b):** The proposed revision is needed to update the lettering of this subdivision to consecutively follow the previous subdivision without any substantive change.
- **Section 644, subdivision (c):** The proposed revision confirms that hearings will continue to occur in Sacramento, unless the hearing officer agrees to a different location. It further confirms the hearing officer's discretionary authority to allow appearance by electronic means.
- **Section 644, subdivision (d):** The proposed revision clarifies that the claimant's burden of proof to present a preponderance of evidence demonstrating both innocence and injury continues to apply for all claims, except those proceeding under subdivision (b) of Penal Code section 4900.

- **Section 644, subdivision (e):** The proposed revision specifies the parties' respective burden of proof for claims proceeding under subdivision (b) of Penal Code section 4900. Specifically, the Attorney General bears the burden to prove by clear and convincing evidence that the claimant committed the acts constituting the offense for which the claimant was convicted, as currently required by Penal Code sections 4902, subdivision (d), 4903, subdivision (b), and 4904. By comparison, the claimant continues to bear the burden to prove injury by a preponderance, in accordance with Penal Code section 4904. The proposed revision further clarifies, in subdivision (e)(2), that the claimant's burden to prove injury is satisfied whenever all charges underlying their incarceration were dismissed without any new convictions upon remand. But in the event of a conviction upon remand, the claimant's injury is presumptively calculated as the difference between the sentence served and the sentence imposed for the new conviction. Finally, the proposed revision specifies the order for presenting evidence at the hearing for claims under subdivision (b) of section 4900, starting with the Attorney General. Combined, these revisions are needed to ensure the parties receive a fair hearing for these types of claims, and as well as a consistent and effective resolution of these claims by CalVCB.
- **Section 644, subdivisions (f) through (r):** The proposed revisions are needed to update the lettering of each subdivision to consecutively follow the previous subdivisions without any substantive change.

Section 645: The revised regulation is needed to clarify the timing for a hearing officer to take the pending Penal Code section 4900 claim under submission and the appropriate considerations upon which the proposed decision may be based.

The specific need for each subdivision follows.

- **Section 645, subdivision (a):** The proposed revision is needed to clarify the timing when a matter will be taken under submission by the hearing officer.
- **Section 645, subdivisions (b) through (e):** There are no revisions to subdivisions (b) through (e) concerning the hearing officer's proposed decision.
- **Section 645, subdivision (f):** This proposed revision confirms that the proposed decision may not deny a claim solely because the claimant failed to obtain a court finding of factual innocence in accordance with Penal Code section 1485.55, subdivision (d).

Section 646: This new regulation is needed to expand the existing provisions for contempt and sanctions in the specific context of Penal Code section 4900 claims.

The specific need for each subdivision follows.

- **Section 646, subdivision (a):** This proposed subdivision expands the general contempt provision that applies in all CalVCB proceedings as set forth in California Code of Regulations, title 2, section 618.3. Currently, section 618.3 applies to any person who, inter alia, obstructs or interrupts a hearing with insolent behavior toward the Board or hearing officer. This subdivision adds that

contempt may also be based upon any threat of violence directed at any staff member or participant in the proceeding, whether made during or after the proceeding has concluded.

- **Section 646, subdivision (b):** This proposed subdivision expands the general sanction provision that applies in all CalVCB proceedings as set forth in California Code of Regulations, title 2, section 618.4. Currently, section 618.4 allows sanctions against any party or representative who engages in bad faith or frivolous tactics. This subdivision adds that sanctions may be ordered against any party, representative, or witness in a proceeding under Penal Code section 4900.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Board did not rely upon any technical, theoretical or empirical studies, reports or documents in proposing the adoption of these regulations.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The purpose of the proposed regulations is to revise, interpret, and implement the current law governing Penal Code section 4900 claims. When a claim is approved, it solely results in a recommendation for the Legislature to appropriate funds to compensate the claimant for the injury sustained by their erroneous conviction. Even then, compensation is awarded to a limited group of individuals, historically less than 10 per year on average, although that figure is expected to increase under SB 446. Accordingly, the proposed regulations will not directly impact jobs or the wider economy.

The Board has determined that the selected alternative will not affect:

(A) The creation or elimination of jobs within the State of California,

The proposed regulations do not impact jobs as they apply to a limited group of individuals seeking a recommendation for compensation as a result of an erroneous felony conviction for which they were wrongfully incarcerated.

(B) The creation of new businesses or the elimination of existing businesses within the State of California, and

The proposed regulations do not impact the creation of new businesses or elimination of existing businesses in California because they apply to a limited group of individuals seeking a recommendation for compensation as a result of an erroneous felony conviction for which they were wrongfully incarcerated.

(C) The expansion of businesses currently doing business within the State of California.

The proposed regulations do not impact the expansion of businesses currently doing business within the State of California because they apply to a limited group of

individuals seeking a recommendation for compensation as a result of an erroneous felony conviction for which they were wrongfully incarcerated.

The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment:

The Board has determined that the proposed regulations do not impact worker safety or the state's environment because they apply to a limited group of individuals seeking a recommendation for compensation as a result of an erroneous felony conviction for which they were wrongfully incarcerated.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has no evidence indicating any potential significant adverse impact on business as a result of this proposed action. The Board has determined that the proposed regulations do not affect business because they apply to a limited group of individuals seeking a recommendation for compensation as a result of an erroneous felony conviction for which they were wrongfully incarcerated.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

The Board has determined that there are no other reasonable alternatives to this rulemaking action.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has no evidence indicating any potential adverse impacts to small business are expected as a result of this proposed action. The Board has determined that the proposed regulations do not affect small businesses because they apply to a limited group of individuals seeking a recommendation for compensation as a result of an erroneous felony conviction for which they were wrongfully incarcerated.