

GENERAL ASSEMBLY OF NORTH CAROLINA  
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SENATE BILL DRS35239-ND-74

Short Title: The Ronnie Long No Cap Act. (Public)

Sponsors: Senators Burgin, Britt, and Meyer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO SUPPORT PERSONS ERRONEOUSLY CONVICTED OF FELONIES, TO BE  
3 KNOWN AS THE RONNIE LONG NO CAP ACT.

4 Whereas, the State of North Carolina is committed to the principles of liberty and  
5 justice, and justice necessitates compensating those who wrongfully lose their liberty; and

6 Whereas, a price cannot be put on the loss of liberty to a wrongful conviction,  
7 including the loss of life's milestones – weddings, births, graduations, deaths, and others – that  
8 are irreplaceable; and

9 Whereas, in addition to life's milestones, wrongfully incarcerated people often lose  
10 their formative years to incarceration, when they otherwise would be learning skills necessary to  
11 adulthood, acquiring assets, and building savings; and

12 Whereas, North Carolina has recently seen the exoneration of men who have lost their  
13 liberty for decades to wrongful incarceration, including, among others, Ronnie Long (44 years  
14 of incarceration), Charles Ray Finch (43 years), Montoyae Dontae Sharpe (25 years), and  
15 Howard Dudley (24 years); and

16 Whereas, the \$750,000 cap on compensation resulted in wrongfully incarcerated  
17 people receiving compensation for only 15 years of the time they served for crimes they did not  
18 commit; and

19 Whereas, North Carolina's commitment to justice requires compensating wrongfully  
20 incarcerated people for all the years lost to wrongful incarceration; and

21 Whereas, removing the \$750,000 cap on compensation would meet these demands of  
22 justice and help wrongfully incarcerated people as they transition back to society and try to  
23 rebuild their lives following their unjust incarceration; Now, therefore,  
24 The General Assembly of North Carolina enacts:

25  
26 **REMOVE CAP ON COMPENSATION AWARD TO EXONEREES**

27 **SECTION 1.(a)** G.S. 148-84(a) reads as rewritten:

28 "(a) At the hearing the claimant may introduce evidence in the form of affidavits or  
29 testimony to support the claim, and the Attorney General may introduce counter affidavits or  
30 testimony in refutation. If the Industrial Commission finds from the evidence that the claimant  
31 received a pardon of innocence for the reason that the crime was not committed at all, received  
32 a pardon of innocence for the reason that the crime was not committed by the claimant, or that  
33 the claimant was determined to be innocent of all charges by a three-judge panel under  
34 G.S. 15A-1469 and also finds that the claimant was imprisoned and has been vindicated in  
35 connection with the alleged offense for which he or she was imprisoned, the Industrial  
36 Commission shall award to the claimant an amount equal to fifty thousand dollars (\$50,000) for



1 each year or the pro rata amount for the portion of each year of the imprisonment actually served,  
2 including any time spent awaiting trial. However, ~~(i) in no event shall the compensation,~~  
3 ~~including the compensation provided in subsection (e) of this section, exceed a total amount of~~  
4 ~~seven hundred fifty thousand dollars (\$750,000), and (ii) a claimant is not entitled to~~  
5 compensation for any portion of a prison sentence during which the claimant was also serving a  
6 concurrent sentence for conviction of a crime other than the one for which the pardon of  
7 innocence was granted.

8 The Director of the Budget shall pay the amount of the award to the claimant out of the  
9 Contingency and Emergency Fund, or out of any other available State funds. The Industrial  
10 Commission shall give written notice of its decision to all parties concerned. The determination  
11 of the Industrial Commission shall be subject to judicial review upon appeal of the claimant or  
12 the State according to the provisions and procedures set forth in Article 31 of Chapter 143 of the  
13 General Statutes."

14 **SECTION 1.(b)** This section is effective when it becomes law and applies to awards  
15 made to claimants before, on, or after that date, provided that the retroactive applicability to  
16 awards made prior to the date this section becomes law shall only apply to claimants still living  
17 at the time this section becomes law.

#### 18 **EXONEREES TO RECEIVE MEDICAID COVERAGE**

19 **SECTION 2.(a)** The Department of Health and Human Services, Division of Health  
20 Benefits (DHB), is directed to submit an 1115 Demonstration Waiver, State Plan amendment, or  
21 other type of waiver to the Centers for Medicare and Medicaid Services (CMS) to provide  
22 Medicaid coverage without regard to income, resources, or assets for any person meeting the  
23 criteria of a petitioner under subsections (a) or (b) of G.S. 148-82. This change to Medicaid  
24 eligibility shall begin as soon as practicable only after approval is received from CMS. If approval  
25 is not received from CMS by June 30, 2027, then the report due under subsection (b) of this  
26 section upon a denial shall be due as though a denial of this Medicaid eligibility change had been  
27 received and this subsection shall expire on that date.

28 **SECTION 2.(b)** Upon receipt of approval of the 1115 Demonstration Waiver, State  
29 Plan amendment, or other type of waiver required to be submitted under subsection (a) of this  
30 section, DHB shall submit to the Joint Legislative Oversight Committee on Medicaid a report  
31 that confirms the approval of the Medicaid eligibility changes, the date the coverage for any  
32 person meeting the criteria of a petitioner under subsections (a) or (b) of G.S. 148-82 will begin,  
33 and any cost to the State of implementing this Medicaid eligibility without regard to income,  
34 resources, or assets for any person meeting the criteria of a petitioner under subsections (a) or  
35 (b) of G.S. 148-82. Upon receipt of a denial of the 1115 Demonstration Waiver, State Plan  
36 amendment, or other type of waiver required to be submitted under subsection (a) of this section,  
37 DHB shall submit a report to the Joint Legislative Oversight Committee on Medicaid that  
38 indicates the decision by CMS and the cost to the State if Medicaid eligibility were extended  
39 without regard to income, resources, or assets for any person meeting the criteria of a petitioner  
40 under subsections (a) or (b) of G.S. 148-82 and there were no federal medical assistance  
41 percentage (FMAP) for that eligibility category.

#### 42 **REQUIRE THE DEPARTMENT OF ADULT CORRECTION TO PROVIDE** 43 **APPROPRIATE TRANSITION SERVICES FOR EXONEREES**

44 **SECTION 3.(a)** Article 8 of Chapter 148 of the General Statutes is amended by  
45 adding a new section to read:

##### 46 **"§ 148-84.1. Transition services.**

47 **(a)** Upon release from the custody of the Department of Adult Correction, the Department  
48 shall provide transition services to any person meeting the criteria of a petitioner under  
49 any provision of the General Statutes that provides for the award of compensation to a claimant  
50 under any provision of the General Statutes that provides for the award of compensation to a claimant

1 subsections (a) or (b) of G.S. 148-82. These services shall be specifically tailored to the needs of  
2 the released person, with a priority placed on housing, employment, and sustenance.

3 (b) The Department of Adult Correction may contract with other public or private entities  
4 for the provision of services required by subsection (a) of this section, though the ultimate  
5 responsibility to provide those services shall remain with the Department.

6 (c) The cost of transition services provided pursuant to this section shall total no more  
7 than twenty-five thousand dollars (\$25,000) per released person."

8 **SECTION 3.(b)** This section is effective when it becomes law and applies to persons  
9 released on or after that date.

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11 **EFFECTIVE DATE AND SEVERABILITY CLAUSE**

12 **SECTION 4.(a)** Except as otherwise provided, this act is effective when it becomes  
13 law.

14 **SECTION 4.(b)** If any section or provision of this act is declared unconstitutional  
15 or invalid by the courts, it does not affect the validity of this act as a whole or any part other than  
16 the part declared to be unconstitutional or invalid.