

~~(3) (I) "NONECONOMIC DAMAGES" MEANS PAIN, SUFFERING, INCONVENIENCE, PHYSICAL IMPAIRMENT, DISFIGUREMENT, LOSS OF CONSORTIUM, MENTAL ANGUISH, EMOTIONAL PAIN AND SUFFERING, LOSS OF SOCIETY, COMPANIONSHIP, COMFORT, PROTECTION, CARE, MARITAL CARE, PARENTAL CARE, FILIAL CARE, ATTENTION, ADVICE, COUNSEL, TRAINING, GUIDANCE, EDUCATION, OR OTHER NONPECUNIARY INJURY.~~

~~(H) "NONECONOMIC DAMAGES" DOES NOT INCLUDE PUNITIVE DAMAGES.~~

~~(B) (1) Subject to subsection [(b)] (C) of this section, the Board of Public Works [may] SHALL grant to an individual erroneously convicted, sentenced, and confined under State law for a crime the individual did not commit an amount commensurate with the [actual] ECONOMIC DAMAGES AND NONECONOMIC damages sustained by the individual, AND MAY GRANT AN AMOUNT FOR NONECONOMIC DAMAGES SUSTAINED BY A REASONABLE AMOUNT FOR ANY FINANCIAL OR OTHER APPROPRIATE COUNSELING FOR THE INDIVIDUAL, due to the confinement.~~

(2) In making a grant under paragraph (1) of this subsection, the Board of Public Works shall use money in the General Emergency Fund or money that the Governor provides in the annual budget.

~~(2) IN ADDITION TO A GRANT MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF PUBLIC WORKS MAY PROVIDE FINANCIAL OR OTHER APPROPRIATE COUNSELING FOR THE INDIVIDUAL.~~

[(b)](C) An individual is eligible for a grant under subsection [(a)] (B) of this section only if:

(1) the individual has received from the Governor a full pardon stating that the individual's conviction has been shown [conclusively] BY CLEAR AND CONVINCING EVIDENCE to be in error; OR

~~(2) A COURT HAS DETERMINED BY CLEAR AND CONVINCING EVIDENCE THAT:~~

~~(1) THE INDIVIDUAL'S CONVICTION IS IN ERROR; AND~~

~~(H) THE INDIVIDUAL IS INNOCENT OF DID NOT COMMIT THE CRIME.~~

[(c)](D) The Board of Public Works may pay the grant determined under subsection [(a)] (B) of this section in a lump sum or in installments.

[(d)](E) (1) The Board of Public Works may not pay any part of a grant made under this section to any individual other than the [pardoned] individual ~~DETERMINED TO BE ELIGIBLE UNDER SUBSECTION (C) OF THIS SECTION.~~

(2) (i) An individual may not pay any part of a grant received under this section to another person for services rendered in connection with the collection of the grant.

(ii) An obligation incurred in violation of this paragraph is void.