

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 492** HLS 19RS 834  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.: **w/ PROP HSE COMM AMD**  
 Sub. Bill For.:

<b>Date:</b> April 30, 2019 6:23 PM	<b>Author:</b> LARVADAIN
<b>Dept./Agy.:</b> Public Safety and Corrections	<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Wrongful Conviction Compensation For Loss of Life	

CRIMINAL/PROCEDURE OR +\$623,988 SD EX See Note Page 1 of 1  
 Provides relative to the compensation of persons wrongfully convicted

Proposed law provides for compensation for loss of life opportunities for which a person who is wrongfully convicted.

Proposed amendment provides that any petitioner who has been awarded compensation and who has received a portion of such compensation prior to August 1, 2019, may file a petition prior to August 1, 2020, seeking the remainder of such compensation, not to exceed \$80,000.

<b>EXPENDITURES</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$623,988	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	<b>\$623,988</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>	<b>\$623,988</b>					<b>\$623,988</b>

  

<b>REVENUES</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

Proposed law will result in a statutory dedication expenditure increase out of the Innocence Compensation Fund for the Louisiana Commission on Law Enforcement and Administration of Criminal Justice (LCLE) if a petitioner seeks and receives compensation in the amount of up to \$80,000 for loss of life opportunities.

Nine existing petitioners have not received the full amount of \$80,000 for loss of life opportunities. Assuming the nine petitioners all applied for the remaining balance to bring each's total compensation to \$80,000, the FY 20 maximum expenditure exposure will total approximately \$623,988. This number represents the difference between the compensation paid to date and the amount needed to ensure that all nine petitioners receive a total of \$80,000 each.

Present law states that the court shall also review requests for payment and order payment for loss of life opportunities, not to exceed \$80,000, which the court finds reasonable and appropriate.

Proposed law states that the court shall order that the petitioner receive \$80,000 total for loss of life opportunities. Prospectively any eligible individual that is exonerated will create an \$80,000 expenditure obligation to be paid out of the Innocence Compensation Fund. The number of individuals that may qualify is unknown. Thus the potential expenditure impact for future exonerations is indeterminable.

NOTE: LCLE indicated to the LFO that one additional person was recently exonerated and a petition for an additional \$80,000 can be expected in the near future.

**NOTE: The Innocence Compensation Fund is funded by deposits out of the SGF. For this reason, the LFO is dual referring the bill under House Rule 6.8(F)(1) even though the expenditure box above reflects a statutory dedication expenditure.**

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**