HLS 21RS-295 REENGROSSED

2021 Regular Session

HOUSE BILL NO. 92

1

BY REPRESENTATIVES MARINO, FREEMAN, GREEN, JAMES, MAGEE, MARCELLE, AND CHARLES OWEN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Increases the amount paid for a person who has been wrongfully convicted

AN ACT

2	To amend and reenact R.S. 15:572.8(H)(2) and (Q), relative to compensation for wrongful
3	conviction and imprisonment; to provide relative to the amount of compensation
4	received by a person who is wrongfully convicted; to provide a process by which
5	certain petitioners may apply for supplemental compensation; and to provide for
6	related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 15:572.8(H)(2) and (Q) are hereby amended and reenacted to read
9	as follows:
10	§572.8. Compensation for wrongful conviction and imprisonment; petition process;
11	compensation; proof; assignment of powers and duties
12	* * *
13	Н.
14	* * *
15	(2)(a) Compensation for the physical harm and injury suffered by the
16	petitioner shall be calculated at a rate of twenty-five forty thousand dollars per year
17	incarcerated, not to exceed a maximum total amount of two hundred fifty four
18	<u>hundred</u> thousand dollars, to be paid at a rate of twenty-five forty thousand dollars
19	annually.

Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 (b) Any petitioner who has not previously been awarded compensation 2 pursuant to the provisions of this Section who files a petition seeking compensation 3 on or after July 1, 2021, has the option to receive a lump sum payment in the amount 4 of two hundred fifty thousand dollars in lieu of receiving forty thousand dollars 5 annually. 6 7 Q. Any Beginning July 1, 2021, any petitioner who has been awarded compensation by the court pursuant to the provisions of this Section, on or after 8 9 September 1, 2005, and prior to September 1, 2011 July 1, 2021, may file a petition 10 seeking supplemental compensation in the amount authorized by the provisions of 11 Subparagraph (H)(2)(a) of this Section. The petitioner shall file a petition seeking 12 supplemental compensation on or before September 1, 2012 July 1, 2022, or be forever barred from filing a supplemental petition. Any compensation awarded 13 14 pursuant to this Subsection shall be awarded at a rate of forty thousand dollars 15 annually. 16

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 92 Reengrossed

2021 Regular Session

Marino

Abstract: Provides relative to the amount and rate of compensation of persons who are wrongfully convicted and provides a procedure by which a person who previously received wrongful conviction compensation may apply for supplemental compensation.

<u>Present law</u> provides that any person who has served, in whole or in part, a sentence of imprisonment under the laws of this state for a crime for which he was convicted is entitled to receive compensation if the conviction has been reversed or vacated and the person has proved by clear and convincing evidence that he is factually innocent of the crime for which he was convicted.

<u>Present law</u> provides that such persons are entitled to receive compensation for the physical harm and injury suffered by the person in an amount equal to \$25,000 per year incarcerated, not to exceed a maximum total amount of \$250,000. Such compensation is payable from the Innocence Compensation Fund at a rate of \$25,000 annually.

<u>Proposed law</u> amends <u>present law</u> to increase the amount of compensation <u>from</u> \$25,000 per year incarcerated <u>to</u> \$40,000 per year incarcerated. Further increases the maximum total amount that may be received <u>from</u> \$250,000 <u>to</u> \$400,000 and provides that such compensation is payable at a rate of \$40,000 annually. Additionally authorizes new applicants who first file a petition on or after July 1, 2021, the option of selecting a lump sum payment of \$250,000 in lieu of receiving \$40,000 per year.

Beginning July 1, 2021, <u>proposed law</u> authorizes any petitioner who has been awarded wrongful conviction compensation by the court on or after Sept. 1, 2005, and prior to July 1, 2021, to file a petition seeking supplemental compensation in the amount authorized by the provisions of <u>proposed law</u>. <u>Proposed law</u> requires the petitioner to file the petition seeking supplemental compensation on or before July 1, 2022, or be forever barred from filing a supplemental petition. <u>Proposed law</u> further provides that any compensation awarded pursuant to these provisions of <u>proposed law</u> shall be awarded at a rate of \$40,000 annually.

(Amends R.S. 15:572.8(H)(2) and (Q))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Appropriations</u> to the engrossed bill:

- 1. Change the amount of annual compensation <u>from</u> \$25,000 to \$40,000.
- 2. Change the maximum amount of compensation available <u>from</u> \$250,000 <u>to</u> \$400,000.
- 3. Authorize new claimants who first file a petition on or after July 1, 2021, the option of taking a lump sum payment of \$250,000 in lieu of the \$40,000 annual payment.