
DIGEST

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HB 817 Original

2024 Regular Session

Hughes

Abstract: Provides relative to wrongful conviction procedures.

Present law provides for compensation for wrongful conviction and imprisonment as well as procedures that outline the petition process.

Proposed law retains present law.

Present law requires the attorney general to represent the state of La. in wrongful conviction proceedings.

Proposed law amends present law to make the participation of the attorney general optional and adds the district attorney of the parish in which the conviction was obtained as an alternative party who can be served, file a response, and participate in wrongful conviction proceedings.

Present law provides that a response to a petition for compensation based on wrongful conviction and imprisonment shall be within 45 days of the service of the petition.

Proposed law changes this time period from 45 days to 30 days.

Present law provides that a maximum of two extensions of 30 days may be granted by the court upon written request by the state for cause shown and that the court shall set a hearing within 45 days of response.

Proposed law changes the maximum amount of extensions from two to one, changes the time period from 30 days to 15 days, and changes the time period to set a hearing from 45 days to 30 days.

Present law provides that after a contradictory hearing, the court shall render a decision as soon as practical, and that the court shall order payment to the petitioner from the Innocence Compensation Fund.

Proposed law changes the time period for the court to render a decision from as soon as practical to within 30 days of the contradictory hearing. Further amends present law to provide that the payment to the petitioner from the Innocence Compensation Fund shall be ordered immediately.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:572.8(E), (F), and (H)(1))