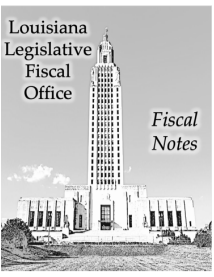


LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 101** HLS 25RS 665
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 13, 2025	2:24 PM	Author: MUSCARELLO
Dept./Agy.: Treasury and Louisiana Commission on Law Enforcement		Analyst: Daniel Druilhet
Subject: Compensation for Wrongful Conviction and Imprisonment		

CRIMINAL/PROCEDURE OR SEE FISC NOTE LF EX Page 1 of 1
 Provides relative to compensation for wrongful conviction and imprisonment

Current law provides for rules and procedures governing compensation for wrongful conviction and imprisonment. Proposed law provides that a petitioner is entitled to compensation when the conviction is reversed or vacated pursuant to a finding of factual innocence under the Code of Criminal Procedure and that innocence may be proven with evidence not known or discoverable prior to trial; removes the ability of a court to consider any relevant evidence, regardless of whether it was admissible in, or excluded from, the criminal trial; provides that the district attorney (DA) shall represent the state in wrongful conviction hearings unless the Attorney General prosecuted the case; requires notice of the petition on wrongful conviction to also be sent to the DA's office; increases extensions granted to the state from 30 days to 60 days; provides that compensation be paid by the parish in which the conviction was obtained and that the state and its employees are not liable for the payment; reduces the time a petitioner may claim compensation post-conviction from two years to one year; provides that compensation obtained under current law is the exclusive remedy for any alleged wrongful conviction and that filing a petition under current law waives and bars any legal action regarding the same matter; provides that any person that obtains judgment against the state may not receive compensation for wrongful conviction involving the same matter.

EXPENDITURES	2025-26	2026-27	2027-28	2028-29	2029-30	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						
REVENUES	2025-26	2026-27	2027-28	2028-29	2029-30	5 -YEAR TOTAL
State Gen. Fd.	\$465,544	\$0	\$0	\$0	\$0	\$465,544
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	(\$465,544)	\$0	\$0	\$0	\$0	(\$465,544)
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The net fiscal impact of the proposed law to state and local government is indeterminable. While the Louisiana Commission on Law Enforcement will sustain a \$1.5 M decrease in Statutory Dedication expenditures out of the Innocence Compensation Fund, district attorneys and local governments will sustain an indeterminable increase in workload and Local Funds expenditures.

Louisiana Commission on Law Enforcement

Proposed law will result in a \$1.5 M decrease in Statutory Dedications expenditures in FY 26 out of the Innocence Compensation Fund in the Louisiana Commission on Law Enforcement (LCLE). Proposed law would have the effect of removing the statutorily dedicated funding that is established for compensation for wrongful conviction and imprisonment and placing that responsibility upon the local parish in which a wrongful conviction was obtained. The Louisiana Commission on Law Enforcement incurs \$1.5 M in appropriations (originating from State General Fund) to distribute to persons awarded judgments or settlements for wrongful conviction, with no expenditures related to administering the Innocence Compensation Fund. Repealing the fund may make State General Fund available for other purposes.

District Attorneys and Attorney General

Proposed law will likely result in an increased workload in district attorney's offices, as the proposed law would have the effect of shifting the burden of defending claims for wrongful conviction from the Attorney General to local district attorneys. It is difficult to estimate, with any certainty, the projected increase in costs or workload that would be assumed by district attorneys in complying with the proposed law. The obligation of defending the state in lawsuits on wrongful convictions will require each Office of the District Attorney to secure additional staff. The exact fiscal impact to each district attorney is indeterminable, as it is unknown the number of occasions in which they would be required to defend future lawsuits on wrongful conviction. Conversely, the Attorney General may experience a decrease in workload and associated expenditures, as it would no longer be required to assume the workload shifted to district attorneys under the proposed law, except in instances where the Attorney General prosecuted the original criminal case.

Local Government

Proposed law will likely result in an indeterminable increase in expenditures for local government entities to the extent they become responsible for costs related to settlements or judgments awarded to persons seeking compensation for wrongful conviction and imprisonment. The proposed law shifts the responsibility and administration of payments for wrongful convictions from the Innocence Compensation Fund to the parish in which the conviction for the original crime was obtained. The exact fiscal impact to local government is indeterminable, as it is unknown the number of occasions in which parishes would be required to remit payments for judgments or settlements related to suits on wrongful convictions.

REVENUE EXPLANATION

Proposed law repeals the Innocence Compensation Fund. The fund receives appropriations, donations, grants, and any other money available to provide funding for wrongful convictions and imprisonment. With enactment of the proposed law, the LFO anticipates any remaining balance in the fund at the close of the fiscal year would be transferred to the state general fund. The fund balance in the Innocence Compensation Fund as of 3/25/25 is \$465,544.

Senate Dual Referral Rules
 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}

Patrice Thomas
 Deputy Fiscal Officer