

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 125** SLS 26RS 418
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action: **w/ HSE COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: May 12, 2026 3:48 PM **Author:** BOUDREAUX, GERALD
Dept./Agy.: Louisiana Commission on Law Enforcement **Analyst:** Daniel Druilhet
Subject: Increases Compensation Cap - Wrongful Conviction Law

CRIMINAL PROCEDURE RE1 INCREASE GF EX See Note Page 1 of 2
 Increases the compensation cap for the wrongful conviction compensation law. (8/1/26)

Current law provides that after 7/01/22, compensation for physical harm and injury suffered by the petitioner be calculated at a rate of \$40,000 per year incarcerated, not to exceed a maximum total of \$400,000, to be paid at an annual rate of \$40,000; provides that on or after 7/01/22, any petitioner who has been awarded compensation who files a petition seeking compensation has the option to receive a \$250,000 lump sum payment in lieu of receiving \$40,000 annually; provides that beginning 7/01/22, any petitioner who has been awarded by the court, on or after 9/01/05 and prior to 7/01/22, may file a petition seeking supplemental compensation at a rate of \$40,000 per year incarcerated, not to exceed a maximum of \$400,000, paid at an annual \$40,000 rate; requires the petitioner to file a petition seeking supplemental compensation on or before 7/01/23, or be forever barred from filing it. Proposed law increases the lifetime cap to \$600,000; provides that beginning August 1 of the year in which the Act becomes effective, any petitioner awarded compensation, on or after 9/01/05, and prior to August 1 of the year in which the Act becomes effective, to file a petition seeking supplemental compensation at a rate of \$40,000 per year incarcerated, not to exceed a maximum of \$600,000, paid at an annual rate of \$40,000; requires a petitioner to file a petition seeking supplemental compensation on or before August 1 of the year following the year in which the Act becomes effective, or be forever barred from filing it; is subject to appropriation of funds by the legislature.

EXPENDITURES	2026-27	2027-28	2028-29	2029-30	2030-31	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						
REVENUES	2026-27	2027-28	2028-29	2029-30	2030-31	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
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

Proposed law will result in an increase of no less than \$400,000 and a maximum of \$760,000 in SGF expenditures in FY 27, subject to appropriation, transferred to the Innocence Compensation Fund, and annual increases in subsequent fiscal years, for additional payments made to exonerees who have received the maximum amount of compensation for wrongful conviction and imprisonment. Proposed law has the effect of extending annual payments that are made available to exonerees, up to a lifetime cap of \$600,000, with \$40,000 in annual payments to be made to each eligible exoneree. The exact amount that will be distributed will increase based on the total number of known exonerees who have met the current lifetime cap or who become eligible in future fiscal years, the number of deceased exonerees whose respective heirs file claims to receive the extended annual payments, and exonerees who may be eligible, contingent upon them applying for increased compensation and whether their receipt of a lump sum payment in lieu of annual payments prohibits their future receipt of extended payments. Currently, there are 10 exonerees who have received the lifetime cap under current law who are eligible to receive additional funds in FY 27, with additional exonerees who will become eligible to receive annual payments in subsequent fiscal years. Projected expenditures are as follows:

	FY 27	FY 28	FY 29	FY 30	FY 31
Annual Payment	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
Total Eligible*	x 10	x 11	x 13.5	x 13.8	x 14
Subtotal Additional Payments	\$400,000	\$440,000	\$540,000	\$552,000	\$560,000
Annual Payment	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
Total Eligible (Heirs)**	x 3	x 3	x 3	x 3	x 3
Subtotal Additional Payments	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000
Annual Payment	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000	\$ 40,000
Potential Exonerees***	x 6	x 6	x 6	x 6	x 6
Subtotal Additional Payments	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000
Total Payments	\$760,000	\$800,000	\$900,000	\$912,000	\$920,000

NOTE: This fiscal note reports SGF impact because, while payments are made from the statutorily dedicated Innocence Compensation Fund, the Fund is made whole by deposits out of the SGF. [CONTINUED ON PAGE TWO]

REVENUE EXPLANATION

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

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



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CONTINUED EXPLANATION from page one:

[CONTINUED FROM PAGE ONE]

* Two of the eligible exonerees will reach the number of maximum payments they can receive due to time served, and will receive a prorated amount (reflected in FY 29 as 12.5 to represent six months and FY 30 as 12.8 to represent 9.5 months).

** For those deceased exonerees, each of their respective heirs is required to complete succession on their behalf, in conjunction with applying for claims to the Innocence Compensation Fund. To the extent that successions may not be adjudicated within each of the respective fiscal years, total annual expenditures may be less than projected.

*** For those listed as potential exonerees, the LFO does not have information regarding whether their receipt of additional payments would be barred due to their prior receipt of lump sum payments or whether they will apply to receive additional compensation under proposed law. These exonerees received lump sum payments or hit a maximum cap that was less than \$400,000 and did not apply for additional payments when the cap was adjusted by Act 257 of the 2021 RS. The estimated figure for total payments represents maximum exposure.

Senate Dual Referral Rules

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

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