

2017 Regular Session

HOUSE BILL NO. 612

BY REPRESENTATIVE GLOVER

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

CRIMINAL/CONVICTIONS: Provides for compensation for wrongful conviction and imprisonment

1 AN ACT

2 To amend and reenact R.S. 15:572.8(B) and to enact R.S. 15:572.8(T), relative to
3 compensation for wrongful conviction and imprisonment; to provide for the
4 definition of "factual innocence"; to provide for the filing of petitions for
5 compensation under certain conditions; to provide for an effective date; to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:572.8(B) is hereby amended and reenacted and R.S. 15:572.8(T)
9 is hereby enacted to read as follows:

10 §572.8. Compensation for wrongful conviction and imprisonment; petition process;
11 compensation; proof; assignment of powers and duties

12 * * *

13 B. For the purposes of this Section, "factual innocence" means that the
14 petitioner did not commit the crime for which he was convicted and incarcerated nor
15 did he commit ~~any crime based upon the same set of facts used in his original~~
16 ~~conviction~~ a crime defined in law as a lesser included offense of the crime for which
17 he was convicted.

18 * * *

19 T. Any person who timely filed a petition for compensation for wrongful
20 conviction and imprisonment pursuant to the provisions of this Section on or after

1 November 1, 2014, and whose petition was denied solely due to failure to satisfy the
2 definition of "factual innocence" may file a new petition for compensation for
3 wrongful conviction and imprisonment on or before September 1, 2018.

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

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 612 Original

2017 Regular Session

Glover

Abstract: Provides for the definition of "factual innocence" in the consideration of petitions for compensation for wrongful conviction and imprisonment and provides for the filing of a new petition for certain previously denied petitions.

Present law provides for the petition of compensation by persons who have been wrongfully convicted and imprisoned under the laws of this state if the conviction of the petitioner has been reversed or vacated and if the petitioner has proven that he is factually innocent of the crime for which he was convicted.

Present law provides that for the purposes of present law "factual innocence" means that the petitioner did not commit the crime for which he was convicted and incarcerated nor did he commit any crime based upon the same set of facts used in his original conviction.

Proposed law changes the definition of "factual innocence" from a person who did not commit any crime based on the same set of facts in the original conviction to a person who did not commit a crime defined as a lesser included offense of the crime for which he was convicted.

Proposed law further authorizes any person who timely filed a petition for compensation for wrongful conviction and imprisonment pursuant to the provisions of present law on or after Nov. 1, 2014, and whose petition was denied solely due to failure to satisfy the definition of "factual innocence" may file a new petition for compensation for wrongful conviction and imprisonment on or before Sept. 1, 2018.

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

(Amends R.S. 15:572.8(B); Adds R.S. 15:572.8(T))