
DIGEST

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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))