



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: HB 492 HLS 19RS 834
Bill Text Version: ENGROSSED
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.:

Date: May 2, 2019 2:41 PM Author: LARVADAIN
Dept./Agy.: Public Safety and Corrections
Subject: Wrongful Conviction Compensation For Loss of Life Analyst: Monique Appeaning

CRIMINAL/PROCEDURE EG +\$543,989 SD EX See Note Page 1 of 1
Provides relative to the compensation of persons wrongfully convicted

Proposed law provides for compensation for loss of life opportunities for which a person who is wrongfully convicted.

Proposed amendment provides that any petitioner who has been awarded compensation and who has received a portion of such compensation prior to August 1, 2019, may file a petition prior to August 1, 2020, seeking the remainder of such compensation, not to exceed \$80,000.

Table with 7 columns: EXPENDITURES, 2019-20, 2020-21, 2021-22, 2022-23, 2023-24, 5 -YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total.

Table with 7 columns: REVENUES, 2019-20, 2020-21, 2021-22, 2022-23, 2023-24, 5 -YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total.

EXPENDITURE EXPLANATION

Proposed law will result in a statutory dedication expenditure increase out of the Innocence Compensation Fund for the Louisiana Commission on Law Enforcement and Administration of Criminal Justice (LCLE) if a petitioner seeks and receives compensation in the amount of up to \$80,000 for loss of life opportunities.

Eight existing petitioners have not received the full amount of \$80,000 for loss of life opportunities. Assuming the eight petitioners all applied for the remaining balance to bring each's total compensation to \$80,000, the FY 20 maximum expenditure exposure will total approximately \$543,989.

Present law states that the court shall also review requests for payment and order payment for loss of life opportunities, not to exceed \$80,000, which the court finds reasonable and appropriate.

Proposed law states that the court shall order that the petitioner receive \$80,000 total for loss of life opportunities. Prospectively any eligible individual that is exonerated will create an \$80,000 expenditure obligation to be paid out of the Innocence Compensation Fund.

NOTE: The Innocence Compensation Fund is funded by deposits out of the SGF. For this reason, the LFO is dual referring the bill under House Rule 6.8(F)(1) even though the expenditure box above reflects a statutory dedication expenditure.

REVENUE EXPLANATION

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

Senate Dual Referral Rules
[X] 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
[] 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
[X] 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}

Evan Brasseaux
Evan Brasseaux
Staff Director