Fiscal Note On: **HB 92** HLS 21RS 295

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 26, 2021	9:13 PM	**Author:** MARINO
Dept./Agy.: LCLE		
Subject: Amount paid to persons wrongfully convicted		**Analyst:** Rebecca Robinson

CRIMINAL/PROCEDURE   OR INCREASE GF EX See Note   Page 1 of 1

Increases the amount paid for a person who has been wrongfully convicted

Proposed legislation increases the amount paid to a person who has been wrongfully convicted from $25,000 to $50,000 per year incarcerated, not exceeding a maximum amount of $250,000, beginning on July 1, 2021. Proposed legislation further allows petitioners who had been awarded compensation between September 1, 2005 and July 1, 2021 to file a petition seeking supplemental compensation. All petitions seeking additional compensation must be filed on or before July 1, 2022.   Proposed legislation provides that such compensation is payable at a rate of $50,000.

EXPENDITURES	2021-22	2022-23	2023-24	2024-25	2025-26	5 -YEAR TOTAL
State Gen. Fd.	$375,000	$225,000	$104,646	$50,000	$29,104	**$783,750**
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	2021-22	2022-23	2023-24	2024-25	2025-26	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 a SGF expenditure increase in the Louisiana Commission on Law Enforcement (LCLE) to provide supplemental compensation to specific individuals who were wrongfully convicted and imprisoned. The amount of compensation will increase from $25,000 to $50,000 per year incarcerated but the maximum amount received remains capped at $250,000. This change represents an annual $25,000 increase per individual over the current level. LCLE reports that there are currently fifteen (15) petitioners receiving compensation. These individuals will receive annual payments of up to $50,000 until reaching the $250,000 maximum cap over the next five years.   NOTE: this bill reports a 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.

The net change in payments for these fifteen existing petitioners is as follows:

FY 22 $375,000 (15 petitioners)
FY 23 $225,000 (13 petitioners)
FY 24 $104,646 (8 petitioners)
FY 25 $50,000 (5 petitioners)
FY 26 $29,104 (4 petitioners)

At the end of FY 26, the existing pool of fifteen petitioners will have received the maximum compensation of $50,000 per year incarcerated up to a maximum of $250,000. This will eliminate remaining expenditures beginning in FY 27 and the out years.

Any additional individuals awarded wrongful conviction compensation by the court prior to July 1, 2022, would result in an additional $25,000 annual expenditure for up to five years to the cap ($50,000 per year up to a maximum $250,000) compared to the compensation authorized in present law.

Proposed law authorizes petitioners who had been awarded compensation between 9/1/05 and 7/1/21 to file a petition seeking supplemental compensation. There are fourteen petitioners over this time period, but only two were incarcerated less than 10 years and may not have been compensated to the cap of $250,000 under existing law.   The potential SGF expenditure impact for these two petitioners is $50,000 per year until they receive the maximum compensation allowed of $50,000 per year incarcerated or $250,000 total.

REVENUE EXPLANATION

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

Senate	Dual Referral Rules	House
[x] 13.5.1 >= $100,000 Annual Fiscal Cost {S & H}		[x] 6.8(F)(1) >= $100,000 SGF Fiscal Cost {H & S}
[ ] 13.5.2 >= $500,000 Annual Tax or Fee Change {S & H}		[ ] 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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