2021 Regular Session

HOUSE BILL NO. 92

BY REPRESENTATIVES MARINO, FREEMAN, JAMES, MAGEE, AND CHARLES
OWEN

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

CRIMINAL/PROCEDURE: Increases the amount paid for a person who has been
wrongfully convicted

1   AN ACT

2   To amend and reenact R.S. 15:572.8(H)(2) and (Q), relative to compensation for wrongful

3   conviction and imprisonment; to provide relative to the amount of compensation

4   received by a person who is wrongfully convicted; to provide a process by which

5   certain petitioners may apply for supplemental compensation; and to provide for

6   related matters.

7   Be it enacted by the Legislature of Louisiana:

8   Section 1. R.S. 15:572.8(H)(2) and (Q) are hereby amended and reenacted to read

9   as follows:

10   §572.8. Compensation for wrongful conviction and imprisonment; petition process;

11   compensation; proof; assignment of powers and duties

12   *   *   *

13   H.

14   *   *   *

15   (2)(a)   ~~Compensation~~ Except as provided by Subparagraph (b) of this

16   Paragraph, compensation for the physical harm and injury suffered by the petitioner

17   shall be calculated at a rate of twenty-five thousand dollars per year incarcerated, not

18   to exceed a maximum total amount of two hundred fifty thousand dollars, to be paid

19   at a rate of twenty-five thousand dollars annually.

1   (b) Beginning July 1, 2021, compensation for the physical harm and injury

2   suffered by the petitioner shall be calculated at a rate of fifty thousand dollars per

3   year incarcerated, to be paid at a rate of fifty thousand dollars annually.

4   *   *   *

5   Q. ~~Any~~ Beginning July 1, 2021, any petitioner who has been awarded

6   compensation by the court pursuant to the provisions of this Section, on or after

7   September 1, 2005, and prior to ~~September 1, 2011~~ July 1, 2021, may file a petition

8   seeking supplemental compensation in the amount authorized by the provisions of

9   Subparagraph (H)(2)(b) of this Section. The petitioner shall file a petition seeking

10   supplemental compensation on or before ~~September 1, 2012~~ July 1, 2022, or be

11   forever barred from filing a supplemental petition. Any compensation awarded

12   pursuant to this Subsection, Paragraph (H)(2)(b) of this Section, or both, shall be

13   awarded at a rate of fifty thousand dollars annually.

14   *   *   *

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 92 Engrossed   2021 Regular Session   Marino

Abstract: Provides relative to the amount and rate of compensation of persons who are wrongfully convicted and provides a procedure by which a person who previously received wrongful conviction compensation may apply for supplemental compensation.

Present law provides that any person who has served, in whole or in part, a sentence of imprisonment under the laws of this state for a crime for which he was convicted is entitled to receive compensation if the conviction has been reversed or vacated and the person has proved by clear and convincing evidence that he is factually innocent of the crime for which he was convicted.

Present law provides that such persons are entitled to receive compensation for the physical harm and injury suffered by the person in an amount equal to $25,000 per year incarcerated, not to exceed a maximum total amount of $250,000. Such compensation is payable from the Innocence Compensation Fund at a rate of $25,000 annually.

Proposed law amends present law to increase the amount of compensation from $25,000 per year incarcerated to $50,000 per year incarcerated. Proposed law further provides that such compensation is payable at a rate of $50,000 annually.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

Beginning July 1, 2021, proposed law authorizes any petitioner who has been awarded wrongful conviction compensation by the court on or after Sept. 1, 2005, and prior to July 1, 2021, to file a petition seeking supplemental compensation in the amount authorized by the provisions of proposed law. Proposed law requires the petitioner to file the petition seeking supplemental compensation on or before July 1, 2022, or be forever barred from filing a supplemental petition. Proposed law further provides that any compensation awarded pursuant to these provisions of proposed law shall be awarded at a rate of $50,000 annually.

(Amends R.S. 15:572.8(H)(2) and (Q))