

2021 Regular Session

HOUSE BILL NO. 92

BY REPRESENTATIVES MARINO, FREEMAN, GREEN, JAMES, MAGEE,
MARCELLE, 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 for the physical harm and injury suffered by the
16 petitioner shall be calculated at a rate of ~~twenty-five~~ forty thousand dollars per year
17 incarcerated, not to exceed a maximum total amount of ~~two hundred fifty~~ four
18 hundred thousand dollars, to be paid at a rate of ~~twenty-five~~ forty thousand dollars
19 annually.

Proposed law amends present law to increase the amount of compensation from \$25,000 per year incarcerated to \$40,000 per year incarcerated. Further increases the maximum total amount that may be received from \$250,000 to \$400,000 and provides that such compensation is payable at a rate of \$40,000 annually. Additionally authorizes new applicants who first file a petition on or after July 1, 2021, the option of selecting a lump sum payment of \$250,000 in lieu of receiving \$40,000 per year.

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 \$40,000 annually.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Change the amount of annual compensation from \$25,000 to \$40,000.
2. Change the maximum amount of compensation available from \$250,000 to \$400,000.
3. Authorize new claimants who first file a petition on or after July 1, 2021, the option of taking a lump sum payment of \$250,000 in lieu of the \$40,000 annual payment.