



**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**

Fiscal Note On: **HB 92** HLS 21RS 295  
 Bill Text Version: **REENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 18, 2021	1:10 PM	<b>Author:</b> MARINO
<b>Dept./Agy.:</b> LCLE		<b>Analyst:</b> Rebecca Robinson
<b>Subject:</b> Amount paid to persons wrongfully convicted		

CRIMINAL/PROCEDURE RE INCREASE GF EX See Note Page 1 of 2  
 Increases the amount paid for a person who has been wrongfully convicted

Proposed law increases the amount paid to a person who has been wrongfully convicted from \$25,000 to \$40,000 per year incarcerated, not to exceed a maximum of \$400,000. Proposed law 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 law provides that such compensation is payable at a rate of \$40,000. Proposed law also offers petitioners on or after July 1, 2021 an option to receive a lump sum payment of \$250,000 in lieu of receiving \$40,000 annually.

EXPENDITURES	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	\$785,000	\$835,000	\$905,000	\$760,000	\$400,000	<b>\$3,685,000</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>						
REVENUES	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

There will be an increase in SGF expenditures to 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 \$40,000 per year incarcerated, up to a maximum of \$400,000. This change represents an annual \$15,000 increase per individual over the current level and an increase of the compensation cap from \$250,000 to \$400,000. LCLE reports there are fifteen (15) petitioners currently receiving compensation. Under proposed law, these individuals will receive annual payments of \$40,000 until reaching their maximum compensation (\$40,000 x number of years served). *NOTE: this fiscal note 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 total payment increase for the fifteen existing petitioners (amount due in proposed law less amount due in present law) will be as follows:

- FY 22 \$225,000
- FY 23 \$275,000
- FY 24 \$375,000
- FY 25 \$400,000
- FY 26 \$400,000

In FY 27 and beyond, the total due in aggregate to current petitioners is approximately \$923,750; to be paid in \$40,000 increments until paid in full. Balances due in FY 27 and beyond per petitioner will range from a low of approximately \$25,000 (17 years served) to a high of approximately \$175,000 (3 exonerees at 17 years plus).

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; and to the extent those

**[CONTINUED ON PAGE 2]**

**REVENUE EXPLANATION**

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

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

House  
 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}

*Alan M. Boxberger*  
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 Staff Director



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**CONTINUED EXPLANATION from page one:**

**[CONTINUED EXPENDITURE EXPLANATION FROM PAGE 1]**

petitioners seek additional compensation at \$40,000 a year, up to a maximum compensation totaling years incarcerated x \$40,000 - payments received to date, the maximum expenditures per year are listed below. This fiscal note assumes all fourteen eligible petitioners will seek supplemental compensation in order to illustrate the maximum expenditure exposure. However, should any eligible individual not seek supplemental compensation the annual and total payments would be reduced accordingly.

Total payments for fourteen prior exonerees (assuming all 14 file for supplemental compensation):

- FY 22 \$560,000 (14 petitioners)
- FY 23 \$560,000 (14 petitioners)
- FY 24 \$530,000 (14 petitioners)
- FY 25 \$360,000 (12 petitioners)
- FY 26 \$0

All fourteen prior exonerees will have been fully compensated by the end of FY 25 under this proposed measure.

**The combined expenditure increase for current and prior exonerees in FYs 22 through 25 are reflected in the expenditure table at the top of this fiscal note.**

**Note:** The LFO did not have the total period of incarceration for two current exonerees and four prior exonerees (prior paid petitioners), but knew they served more than 10 years. Therefore, the LFO assumed that these petitioners would be owed at least \$400,000 in total based upon the yearly payment of \$40,000 (10 years x \$40,000). These petitioners would be owed additional compensation, at \$40,000 a year, until they reached the maximum compensation allowable based upon years of total incarceration over 10 years. If additional information is provided with regard to the time served for these six exonerees, the LFO will update this fiscal note accordingly.

For new petitioners after July 1, 2021, the individual will be given the option to accept a one-time lump sum payment of \$250,000 in lieu of receiving \$40,000 annually per year served up to the cap established in this measure at \$400,000.

**Senate**      Dual Referral Rules

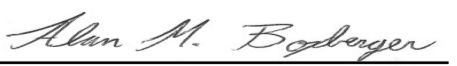
13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

**House**

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}

  
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**Staff Director**