

GREEN SHEET REDIGEST

HB 92

2021 Regular Session

Marino

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

DIGEST

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 \$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, 2022, 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, 2022, 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, 2023, 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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the reengrossed bill

1. Changes the date whereby new claimants who first file a petition have the option of taking a lump sum payment in lieu of the annual payment from July 1, 2021 to July 1, 2022.

2. Changes the beginning date whereby any petitioner who has been awarded compensation by the court prior to a certain date from July 1, 2021 to July 1, 2022.
3. Changes the last date for which a petitioner can file a petition seeking supplemental compensation from July 1, 2022 to July 1, 2023.