
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 101 Original

2025 Regular Session

Muscarello

Abstract: Provides relative to wrongful conviction procedures.

Present law provides that a person is entitled to compensation for wrongful conviction when his conviction has been reversed or vacated, and he has proven his innocence through clear and convincing evidence.

Proposed law provides that the petitioner is entitled to compensation when the conviction is reversed or vacated pursuant to a finding of factual innocence pursuant to the Code of Criminal Procedure and that innocence is proven with evidence that was not known or discoverable prior to trial.

Present law provides that during a contradictory hearing, the court may consider any relevant evidence, whether it was admissible in or excluded from the criminal trial.

Proposed law removes that provision of present law.

Present law provides that the attorney general shall represent the state of Louisiana in such proceedings.

Proposed law provides that the district attorney of the parish shall represent the state unless the attorney general prosecuted the criminal case.

Present law requires that notice of the petition be sent to the attorney general's office.

Proposed law requires that notice of the petition be sent also to the district attorney's office.

Proposed law increases the amount of time for which a court may grant extensions for the state from 30 days to 60 days.

Present law provides that compensation for a wrongful conviction be paid from the Innocence Compensation Fund.

Proposed law provides that compensation for a wrongful conviction be paid by the parish in which the conviction was obtained, and that the state and its employees are not liable for any such payment.

Proposed law changes the amount of time a petitioner may claim compensation after his conviction was reversed or vacated from two years to one year.

Present law provides that petitions based on convictions involving willful misconduct by the state are not limited to the recovery provided in present law.

Proposed law provides that compensation provided by present law is the exclusive remedy for any alleged wrongful conviction and that filing a petition pursuant to present law constitutes a waiver and bar to any legal action regarding the same matter.

Proposed law provides that any person who obtains a judgment against the state may not receive compensation for a wrongful conviction involving the same matter.

(Amends R.S. 15:572.8(A)(1) and (2), (B)-(E), (H)(1) and (3), (I), (K), and (N)-(R); Repeals R.S. 15:572.8(S))