

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.

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))