

**HOUSE SUMMARY OF SENATE AMENDMENTS**

**HB 92**

**2021 Regular Session**

**Marino**

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

**Synopsis of Senate Amendments**

1. Changes the effective date to July 1, 2022, for the increased rate of compensation as provided by proposed law.
2. Provides a deadline of July 1, 2023, to seek supplemental compensation.
3. Specifies that after July 1, 2022, compensation shall not exceed a maximum total of \$400,000 to be paid at a rate of \$40,000 annually.

**Digest of Bill as Finally Passed by Senate**

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, 2022, 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))