

CONFERENCE COMMITTEE REPORT

HB 92

2021 Regular Session

Marino

June 8, 2021

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 92 by Representative Marino, recommend the following concerning the Reengrossed bill:

- 1. That the set of Senate Floor Amendments proposed by Senator Henry (#3222) be adopted.
- 3. That the set of Senate Committee Amendments proposed by the Senate Committee on Finance (#3011) be adopted.
- 2. That the following amendments be adopted:

AMENDMENT NO. 1

On page 2, at the beginning of line 1, change "(b)" to "(c)"

AMENDMENT NO. 2

On page 2, at the beginning of line 11, change "Subparagraph (H)(2)(a)" to "Subparagraph (H)(2)(b)"

Respectfully submitted,

Representative Joseph A. Marino, III

Senator Rick Ward III

Representative Edward C. "Ted" James, II

Senator Franklin J. Foil

Representative Charles Anthony Owen

Senator Cameron Henry

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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 92

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Keyword and oneliner of the instrument as it left the House

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

Report adopts Senate amendments to:

1. Change the effective date to July 1, 2022, for the increased rate of compensation as provided by proposed law.
2. Provide a deadline of July 1, 2023, to seek supplemental compensation.
3. Specify 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.

Report amends the bill to:

1. Make technical changes.

Digest of the bill as proposed by the Conference Committee

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))