

2021 Regular Session

HOUSE BILL NO. 92

BY REPRESENTATIVES MARINO, BROWN, BRYANT, GARY CARTER, WILFORD CARTER, CORMIER, COX, DUPLESSIS, FREEMAN, GLOVER, GREEN, JAMES, JEFFERSON, JENKINS, JORDAN, LACOMBE, LANDRY, LARVADAIN, LYONS, MAGEE, MARCELLE, MOORE, NEWELL, CHARLES OWEN, AND PIERRE AND SENATORS BARROW AND HARRIS

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 for the physical harm and injury suffered by the
16 petitioner shall be calculated at a rate of twenty-five thousand dollars per year
17 incarcerated, not to exceed a maximum total amount of two hundred fifty thousand
18 dollars, to be paid at a rate of twenty-five thousand dollars annually.

19 (b) After July 1, 2022, compensation for the physical harm and injury
20 suffered by the petitioner shall be calculated at a rate of forty thousand dollars per

1 year incarcerated, not to exceed a maximum total amount of four hundred thousand
2 dollars, to be paid at a rate of forty thousand dollars annually.

3 (c) Any petitioner who has not previously been awarded compensation
4 pursuant to the provisions of this Section who files a petition seeking compensation
5 on or after July 1, 2022, has the option to receive a lump sum payment in the amount
6 of two hundred fifty thousand dollars in lieu of receiving forty thousand dollars
7 annually.

8 * * *

9 Q. Any Beginning July 1, 2022, any petitioner who has been awarded
10 compensation by the court pursuant to the provisions of this Section, on or after
11 September 1, 2005, and prior to ~~September 1, 2011~~ July 1, 2022, may file a petition
12 seeking supplemental compensation in the amount authorized by the provisions of
13 Subparagraph (H)(2)(b) of this Section. The petitioner shall file a petition seeking
14 supplemental compensation on or before ~~September 1, 2012~~ July 1, 2023, or be
15 forever barred from filing a supplemental petition. Any compensation awarded
16 pursuant to this Subsection shall be awarded at a rate of forty thousand dollars
17 annually.

18 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____