RÉSUMÉ DIGEST

SB 125 **2026 Regular Session** **Boudreaux**

Present law requires that after July 1, 2022, compensation for the physical harm and injury suffered by the petitioner be calculated at a rate of $40,000 per year incarcerated, not to exceed a maximum total amount of $400,000, to be paid at a rate of $40,000 annually.

Proposed law would have retained present law regarding the rate of $40,000 per year, but increase the lifetime cap from $400,000 to $600,000.

Present law provides that beginning July 1, 2022, any petitioner who has been awarded compensation by the court pursuant to the provisions of present law on or after September 1, 2005, and prior to July 1, 2022, may file a petition seeking supplemental compensation in the amount authorized by present law.

Proposed law would have provided that, beginning August 1st of the calendar year in which proposed law became effective, any petitioner who has been awarded compensation by the court pursuant to the provisions of proposed law on or after September 1, 2005, and prior to August 1st of the calendar year in which proposed law became effective, may file a petition seeking supplemental compensation in the amount authorized by proposed law.

Present law requires the petitioner to file a petition seeking supplemental compensation on or before July 1, 2023, or be forever barred from filing a supplemental petition.

Proposed law would have required the petitioner to file a petition seeking supplemental compensation on or before August 1st of the calendar year following the calendar year in which proposed law became effective or be forever barred from filing a supplemental petition.

Implementation of proposed law would have been subject to the appropriation of funds by the legislature.

Would have become effective August 1, 2026.

(Proposed to amend R.S. 15:572.8(H)(2) and (Q))

VETO MESSAGE:

"At a time when working families are struggling with rising costs, our teachers did not receive the permanent pay raise they deserve, and taxpayers expecting government to spend their money responsibly, I cannot support a bill that increases potential payouts by 50% while failing to address serious flaws in the process. The people of Louisiana expect their government to protect taxpayer dollars, uphold the integrity of our legal system, and provide lawmakers with accurate information before committing millions in public funds. Senate Bill 125 fails on all three counts.

More Money

Senate Bill 125 increases the maximum compensation award by 50%, raising the cap from $400,000 to $600,000. This comes just four years after the Legislature approved a substantial increase from $250,000 to $400,000. Before increasing payouts again, the State should first ensure that the process is fair, accountable, and protected against abuse. Senate Bill 125 fails to do that.

Less Accountability

The current system lacks important safeguards to prevent abuse and double recovery. Taxpayers should not be asked to fund larger awards through a process that does not provide the same level of accountability and procedural protections found in other civil claims. Claims involving significant public funds should be subject to robust standards for evidence, discovery, and judicial review.

This is not a hypothetical concern. Louisiana taxpayers have already seen examples of Soros-funded prosecutors gaming the system to secure the release of convicted criminals and then seek taxpayer-funded compensation. There is no better example than Orleans Parish.

Over the last several years, individuals receiving State compensation under this process have also received millions of dollars through related federal claims funded by local taxpayers through the New Orleans City Council.

Representative Melerine attempted to amend this bill on the House floor to address these legitimate concerns and prevent multiple government-funded recoveries arising from the same underlying circumstances. Unfortunately, those reforms were rejected. I applaud his common-sense safeguards and believe they should be included in any future legislation seeking to increase compensation awards.

<u>Higher Cost for Taxpayers</u>

Lawmakers were told this bill would cost approximately $4.3 million. The true cost could approach $9 million over the next five years.

The fiscal note failed to account for approximately 20 to 25 pending petitions that could immediately qualify for increased compensation if this bill became law. As a result, neither lawmakers nor the public received a complete picture of the bill's potential financial impact.

Taxpayers deserve transparency. They deserve honest accounting. And they deserve to know the true cost before government commits millions of additional dollars.

Rather than fixing these problems, Senate Bill 125 ignores them. It increases taxpayer exposure, weakens accountability, and risks sending millions of additional taxpayer dollars into a system that still lacks adequate safeguards.

The people of Louisiana deserve a process that is fair, transparent, and accountable. Until those reforms are made, I cannot support increasing these payouts.

For these reasons, I have determined that Senate Bill 125 will not become law."