

Regular Session, 2012

HOUSE BILL NO. 575

BY REPRESENTATIVE LOPINTO

CRIMINAL/PROCEDURE: Provides relative to the disbursement of funds for the loss of life opportunities of wrongfully convicted persons

1 AN ACT

2 To amend and reenact R.S. 15:572.8(H)(2), (3), and (4) and to enact R.S. 15:572.8(H)(5),
3 relative to compensation for wrongful conviction and imprisonment; to provide
4 relative to the disbursement of funds for loss of life opportunities; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:572.8(H)(2), (3), and (4) are hereby amended and reenacted and
8 R.S. 15:572.8(H)(5) is hereby enacted to read as follows:

9 §572.8. Compensation for wrongful conviction and imprisonment; petition process;
10 compensation; proof; assignment of powers and duties

11 * * *

12 H.

13 * * *

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

18 (3) As In addition to the funds provided in Paragraph (2) of this Subsection,
19 as compensation for the loss of life opportunities resulting from the time spent
20 incarcerated, the court shall also review requests for payment ~~and order payment, by~~

1 the petitioner for training, services, or classes as provided in Subparagraphs (a), (b),
2 and (c) of this Paragraph, not to exceed eighty thousand dollars, which the court
3 finds reasonable and appropriate dollars. Upon showing by the petitioner that he has
4 enrolled in or has registered for such training, services, or classes, or upon proof of
5 actual expenses incurred as a result thereof, the court shall order payment of funds
6 for the loss of life opportunities, which the court finds reasonable and appropriate,
7 from the Innocence Compensation Fund to:

8 (a) Pay the costs of job-skills training for three years.

9 (b) Pay for appropriate medically necessary medical and counseling services
10 for six years to the petitioner at a mutually agreed upon location at no charge to the
11 petitioner, but only if such services are not available from a state or other public
12 facility, clinic, or office that is reasonably accessible to the petitioner.

13 (c)(i) Provide expenses for tuition and fees at any community college or unit
14 of the public university system of the state of Louisiana.

15 (ii) State aid in accordance with this Subparagraph shall include assistance
16 in meeting any admission standards or criteria required at any of the applicable
17 institutions, including but not limited to assistance in satisfying requirements for a
18 certificate of equivalency of completion of secondary education and assistance in
19 completing any adult education program or courses.

20 (iii) The right to receive aid in accordance with this Subparagraph shall be
21 for ten years after the release of a petitioner who qualifies for aid. State education
22 aid shall continue for up to a total of five years of aid when initiated within the ten-
23 year period or until the degree or program for which the petitioner is authorized is
24 completed, whichever is less, as long as the petitioner makes satisfactory progress
25 in the courses or program in which he is enrolled. Aid shall be available for
26 completion of any degree or program which the petitioner chooses and which is
27 available from the applicable institutions.

28 ~~(3)~~(4) In determining the compensation owed to the petitioner, the court may
29 not deduct any expenses incurred by the state or any of its political subdivisions in

1 connection with the arrest, prosecution, conviction, and imprisonment of the
2 petitioner for a crime of which the board finds he was factually innocent, including
3 expense for food, clothing, shelter, and medical services.

4 ~~(4)~~(5) A petitioner shall not be entitled to compensation for any portion of
5 a sentence in prison during which he was also serving a concurrent sentence for the
6 conviction of another crime.

7 * * *

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)]

Lopinto

HB No. 575

Abstract: Provides relative to the disbursement of funds for loss of life opportunities of persons who were wrongfully convicted, requiring proof of enrollment or registration or proof of actual expenses incurred.

Present law provides for the disbursement of funds up to \$80,000 for the loss of life opportunities of persons who were wrongfully convicted in order to pay for certain job-skills training, education, or other medical and counseling services.

Proposed law retains present law but requires the petitioner to show that he has enrolled in or has registered for such training, classes, or services, or provide proof of actual expenses incurred as a result thereof.

(Amends R.S. 15:572.8(H)(2), (3), and (4); Adds R.S. 15:572.8(H)(5))