

2020 Regular Session

HOUSE BILL NO. 570

BY REPRESENTATIVES MAGEE AND JAMES

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

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~~ Except as provided by Subparagraph (b) of this  
16 Paragraph, compensation for the physical harm and injury suffered by the petitioner  
17 shall be calculated at a rate of twenty-five thousand dollars per year incarcerated, not  
18 to exceed a maximum total amount of two hundred fifty thousand dollars, to be paid  
19 at a rate of twenty-five thousand dollars annually.

1                    (b) Beginning July 1, 2021, compensation for the physical harm and injury  
 2                    suffered by the petitioner shall be calculated at a rate of forty thousand dollars per  
 3                    year incarcerated, not to exceed a maximum total amount of four hundred thousand  
 4                    dollars, to be paid at a rate of forty thousand dollars annually.

5   \*       \*       \*

6                    Q. ~~Any~~ Beginning July 1, 2021, any petitioner who has been awarded  
 7                    compensation by the court pursuant to the provisions of this Section, on or after  
 8                    September 1, 2005, and prior to ~~September 1, 2011~~ July 1, 2021, may file a petition  
 9                    seeking supplemental compensation in the amount authorized by the provisions of  
 10                   Subparagraph (H)(2)(b) of this Section. The petitioner shall file a petition seeking  
 11                    supplemental compensation on or before ~~September 1, 2012~~ July 1, 2022, or be  
 12                    forever barred from filing a supplemental petition. Any compensation awarded  
 13                    pursuant to this Subsection, Paragraph (H)(2)(b) of this Section, or both, shall be  
 14                    awarded at a rate of forty thousand dollars annually.

15   \*       \*       \*

#### 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)]

HB 570 Original

2020 Regular Session

Magee

**Abstract:** Provides relative to the amount and rate of compensation of persons who are wrongfully convicted and provides a procedure by which a person who previously received wrongful conviction compensation may apply for supplemental compensation.

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 and increases the maximum amount that

may be received to not more than \$400,000. Proposed law further provides that such compensation is payable at a rate of \$40,000 annually.

Beginning July 1, 2021, 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, 2021, 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, 2022, 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))