

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 570** HLS 20RS 920

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 29, 2020	11:31 AM	Author: MAGEE
Dept./Agy.: Louisiana Commission on Law Enforcement		Analyst: Monique Appeaning
Subject: Compensation For Wrongful Conviction and Imprisonment		

CRIMINAL/PROCEDURE OR +\$435,000 GF EX See Note Page 1 of 1
Increases amount paid for a person who has been wrongfully convicted

Proposed law amends and reenacts present law pertaining to compensation for wrongful conviction and imprisonment. Proposed law provides for compensation for the physical harm and injury suffered by the petitioner shall be calculated at a rate of forty thousand dollars per year incarcerated, not to exceed a maximum total amount of four hundred thousand dollars, to be paid at a rate of forty thousand dollars annually. Beginning July 1, 2021, proposed law authorizes any petitioner who was awarded wrongful conviction compensation by the court on or after September 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 the petition seeking supplemental compensation on or before July 1, 2022, or be forever barred from filing a supplemental petition.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	\$435,000	\$435,000	\$485,000	\$585,000	\$610,000	\$2,550,000
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$435,000	\$435,000	\$485,000	\$585,000	\$610,000	\$2,550,000

REVENUES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law will result in a SGF expenditure increase in the Louisiana Commission on Law Enforcement (LCLE) to provide supplemental compensation to specific individuals who were wrongfully convicted and imprisoned. The amount of compensation will increase from \$25,000 to \$40,000 per year incarcerated and the maximum amount received increases to not more than \$400,000 from not more than \$250,000. This change represents an annual \$15,000 increase per individual over the current level, and a maximum \$150,000 total increase. LCLE reports that there are currently fifteen (15) petitioners receiving compensation and fourteen (14) petitioners eligible to receive supplemental compensation (29 petitioners x \$15,000 = \$435,000). Under present law, the number of recipients receiving payments would decrease by two in FY 23, an additional four in FY 24, and an additional one in FY 25, as their eligibility for payments expired due to receiving the maximum payment of \$25,000 annually for up to ten years (\$250,000 maximum). The increased maximum will result in these individuals continuing to receive payments of \$40,000 annually in the out years until receiving the full \$400,000 maximum as provided in proposed law.

Any additional individuals awarded wrongful conviction compensation by the court prior to July 1, 2021, would result in an additional \$15,000 annual expenditure for up to ten years (\$150,000) compared to the compensation authorized in present law.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
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Staff Director