

SENATE BILL NO. 125

BY SENATORS BOUDREAUX, ABRAHAM, BARROW, BARTHELEMY, CARTER, DUPLESSIS, HARRIS, JACKSON-ANDREWS, JENKINS, LUNEAU, MIZELL AND PRICE AND REPRESENTATIVES ADAMS, AMEDEE, BAMBURG, BAYHAM, BERAULT, BILLINGS, BOUDREAUX, BOYD, BOYER, BRASS, BRYANT, BUTLER, CARPENTER, CARRIER, ROBBY CARTER, WILFORD CARTER, CARVER, CHASSION, CHENEVERT, COX, DEVILLIER, DEWITT, ECHOLS, EDMONSTON, EGAN, FISHER, FREEMAN, FREIBERG, GALLE, GLORIOSO, GREEN, HEBERT, DANA HENRY, HORTON, JACKSON, TRAVIS JOHNSON, JORDAN, KNOX, LACOMBE, LAFLEUR, JACOB LANDRY, MANDIE LANDRY, TERRY LANDRY, LARVADAIN, LYONS, MARCELLE, MARTINEZ, MELERINE, MENA, MILLER, MOORE, MURRAY, NEWELL, OWEN, PHELPS, RISER, SAWYER, SCHAMERHORN, SCHLEGEL, SPELL, STAGNI, TAYLOR, VENTRELLA, WRIGHT, WYBLE, YOUNG AND ZERINGUE

1 AN ACT

2 To amend and reenact R.S. 15:572.8(H)(2) and (Q), relative to reprieve and pardons of
3 convicted persons; to provide for compensation for wrongful conviction and
4 imprisonment; to provide for deadline to file for supplemental compensation; to
5 provide for an effective date; to provide relative to implementation; and to provide
6 for 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.(1) * * *

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

18 (b) After July 1, 2022, through July thirty-first of the calendar year in
19 which this Act becomes effective, compensation for the physical harm and injury

1 suffered by the petitioner shall be calculated at a rate of forty thousand dollars per
 2 year incarcerated, not to exceed a maximum total amount of four hundred thousand
 3 dollars, to be paid at a rate of forty thousand dollars annually.

4 (c) Beginning August first of the calendar year in which this Act becomes
 5 effective, compensation for the physical harm and injury suffered by the
 6 petitioner shall be calculated at a rate of forty thousand dollars per year
 7 incarcerated, not to exceed a maximum total amount of six hundred thousand
 8 dollars, to be paid at a rate of forty thousand dollars annually.

9 (d) Any petitioner who has not previously been awarded compensation
 10 pursuant to the provisions of this Section who files a petition seeking compensation
 11 on or after July 1, 2022, has the option to receive a lump sum payment in the amount
 12 of two hundred fifty thousand dollars in lieu of receiving forty thousand dollars
 13 annually.

14 * * *

15 Q. Beginning ~~July 1, 2022,~~ August first of the calendar year in which this
 16 Act becomes effective, any petitioner who has been awarded compensation by the
 17 court pursuant to the provisions of this Section, on or after September 1, 2005, and
 18 prior to ~~July 1, 2022,~~ August first of the calendar year in which this Act becomes
 19 effective, may file a petition seeking supplemental compensation in the amount
 20 authorized by the provisions of Subparagraph (H)(2)(~~b~~)(c) of this Section. The
 21 petitioner shall file a petition seeking supplemental compensation on or before ~~July~~
 22 ~~1, 2023,~~ August first of the calendar year following the calendar year in which
 23 this Act becomes effective, or be forever barred from filing a supplemental petition.
 24 Any compensation awarded pursuant to this Subsection shall be awarded at a rate of
 25 forty thousand dollars annually.

26 * * *

27 Section 2.(A) The provisions of Section 1 of this Act shall become effective when
 28 an Act of the Louisiana Legislature containing a specific appropriation of monies for the
 29 implementation of the provisions of this Act becomes effective.

30 (B) The provisions of this Section shall become effective upon signature by the

1 governor or, if not signed by the governor, upon expiration of the time for bills to become
2 law without signature by the governor, as provided by Article III, Section 18 of the
3 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
4 legislature, the provisions of this Section shall become effective on the day following such
5 approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____