



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 285** HLS 11RS 849
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:

Proposed Amd.:
Sub. Bill For.:

Date: May 18, 2011 7:49 AM	Author: DIXON
Dept./Agy.: Corrections	
Subject: Wrongful conviction and compensation	Analyst: Matthew LaBruyere

CRIMINAL/PROCEDURE OR SD EX See Note Page 1 of 2
Increases the amount of monetary compensation for wrongful convictions

Proposed legislation amends present law for compensation of wrongful conviction from \$15,000 per year incarcerated to \$50,000 per year incarcerated not to exceed \$600,000 for physical harm and injury suffered by that petitioner; changes the amount of compensation for loss of life opportunities from \$40,000 to \$80,000, from the Innocence Compensation Fund for the costs of job-training skills for three years and for appropriate medical and counseling services for six years. Proposed legislation provides for the court to expunge the petitioner’s record and declare the petitioner a victim of wrongful conviction. Proposed legislation provides that the state appropriate monies annually to ensure the amount in the Innocence Compensation Fund shall not fall below \$1 million. Proposed legislation also provides that any petitioner who has been awarded compensation by the court on or after Sept. 1, 2005, and prior to Sept. 1, 2011, may file a petition seeking supplemental compensation. The petitioner shall file a petition seeking supplemental compensation on or before Sept. 1, 2012, or be forever barred from filing a supplemental petition. This Act shall become effective on September 1, 2011.

EXPENDITURES	2011-12	2012-13	2013-14	2014-15	2015-16	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2011-12	2012-13	2013-14	2014-15	2015-16	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

To the extent that wrongfully incarcerated individuals are compensated according to proposed law, statutory dedicated fund expenditures in FY 11 would increase by an indeterminable but significant amount. The fund was created by Act 486 in 2005 and according to the Treasurer’s office the current fund balance is \$0. The fund balance is \$0, \$1,000,000 in SGF will be needed in FY 12 to satisfy the requirements of the proposed legislation. To the extent monies are disbursed from the fund, state general fund will be used to increase the fund balance to \$1,000,000 in subsequent fiscal years or as necessary to keep the balance at \$1 million (see note at bottom of explanation). It is unknown at this time how many persons will be determined innocent and receive funds for wrongful conviction and imprisonment.

NOTE: The LFO is uncertain whether the fund is required to be replenished following each disbursement. To the extent that the legislation requires the fund remain at \$1 million at all times, statutory dedication fund expenditures (SGF to statutory dedication) will increase by an indeterminable amount dependent on the amounts ultimately paid out of the fund each year.

In the event a person is found to be wrongfully convicted, the Innocence Compensation Fund will expend \$50,000 for each year the person was incarcerated or not more than \$600,000. The fund may also expend up to \$80,000 for “loss of life opportunities” by paying for job-skills training for 3 years and/or appropriate medical and counseling services for 6 years.

In the annual report prepared by the Judicial Administrator of the Louisiana Supreme Court, \$190,000 was disbursed in 2010 from the Innocence Compensation Fund to pay for 2 cases involving individuals that were wrongfully convicted and imprisoned. Of the 2 cases, 1 case was awarded the maximum amount of \$150,000 with the other case receiving the maximum \$40,000 for “loss of life opportunities.” The passage of Act 262 of the 2007 Regular Legislative Session required the La. Supreme Court to report the amounts distributed for wrongful conviction and imprisonment. Since the first report was issued in 2008, \$1,388,852.28 has been awarded to 10 petitioners. Of this amount 5 persons were awarded the maximum amount of \$150,000 and 2 persons were awarded the maximum of \$40,000 for loss of life opportunities.

(Continued on page 2)

REVENUE EXPLANATION

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

Senate	Dual Referral Rules	House	
<input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		<input checked="" type="checkbox"/> 6.8(F)1 >= \$500,000 Annual Fiscal Cost {S}	<i>Evan Brasseaux</i>
		<input checked="" type="checkbox"/> 6.8(F)2 >= \$100,000 Annual SGF Cost {H&S}	
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}		<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}	Evan Brasseaux Staff Director



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CONTINUED EXPLANATION from page one: Page 2 of 2

For illustrative purposes, if those 5 cases filed a petition and received the full supplemental compensation as mentioned in proposed legislation, the amount paid would be approximately \$2.33 M, \$1 M more than originally paid (5 cases x \$450,000 increased compensation + 2 cases x \$40,000 increased compensation).

The Attorney General’s office has indicated that 2 attorneys and 1 secretary will be needed for increased workload resulting from the implementation of this legislation. To the extent this legislation results in additional workload for the Attorney General’s office, the annual costs would be \$240,254 including the following:

Salaries and benefits- \$203,102
Operating Services- \$37,350

In addition, the AG’s office indicates one-time costs of \$15,825 for office equipment purchases.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	<i>Evan Brasseaux</i>
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<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}	<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}		Evan Brasseaux Staff Director