

Regular Session, 2011

HOUSE BILL NO. 285

BY REPRESENTATIVE DIXON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Increases the amount of monetary compensation for wrongful convictions

1 AN ACT

2 To amend and reenact R.S. 15:572.8(H)(2)(introductory paragraph), (a), and (b) and (N)(1)  
3 and to enact R.S. 15:572.8(Q), relative to compensation for wrongful conviction and  
4 imprisonment; to provide for the amount of compensation; to provide for job-skills  
5 training; to provide for medical and counseling services; to provide for deposits into  
6 the Innocence Compensation Fund; to authorize the filing of a supplemental petition;  
7 to provide for time limitations; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:572.8(H)(2)(introductory paragraph), (a), and (b) and (N)(1) are  
10 hereby amended and reenacted and R.S. 15:572.8(Q) is hereby enacted to read as follows:

11 §572.8. Compensation for wrongful conviction and imprisonment; petition process;  
12 compensation; proof; assignment of powers and duties

13 \* \* \*

14 H.

15 \* \* \*

16 (2) Compensation shall be calculated at a rate of ~~fifteen~~ twenty-five thousand  
17 dollars per year incarcerated not to exceed a maximum total amount of ~~one hundred~~  
18 ~~fifty thousand dollars~~ five hundred thousand dollars for the physical harm and injury  
19 suffered by the petitioner to be paid at a rate of twenty-five thousand dollars  
20 annually. As compensation for the loss of life opportunities resulting from the time  
21 spent incarcerated, the court shall also review requests for payment and order

1 payment, not to exceed ~~forty~~ eighty thousand dollars, which the court finds  
2 reasonable and appropriate from the Innocence Compensation Fund to:

3 (a) Pay the costs of job-skills training for ~~one year~~ three years.

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

8 \* \* \*

9 N.(1) There is hereby established a special fund in the state treasury to be  
10 known as the Innocence Compensation Fund, hereinafter referred to as the "fund".

11 The source of monies for the fund shall be appropriations, donations, grants, and  
12 other monies which may become available for the purposes of the fund. Any  
13 judgment rendered pursuant to this Section shall be payable only from the fund  
14 established herein. No state agency, political subdivision, constitutional office, nor  
15 employee thereof shall be liable for any payment ordered pursuant to this Section.  
16 In any fiscal year, the state treasurer is directed to deposit all recurring state general  
17 fund revenue, not to exceed two million dollars in any fiscal year, as recognized by  
18 the Revenue Estimating Conference in excess of the Official Forecast at the  
19 beginning of the current fiscal year into the Innocence Compensation Fund.

20 \* \* \*

21 Q. Any petitioner who has been awarded compensation by the court pursuant  
22 to the provisions of this Section, on or after September 1, 2005, and prior to  
23 September 1, 2011, may file a petition seeking supplemental compensation in the  
24 amount authorized by the provisions of this Section. The petitioner shall file a  
25 petition seeking supplemental compensation on or before September 1, 2012, or be  
26 forever barred from filing a supplemental petition.

27 Section 2. This Act shall become effective on September 1, 2011.

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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)]

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Dixon

HB No. 285

**Abstract:** Increases the amount of compensation for persons who were wrongfully convicted of crimes.

Present law provides for compensation for wrongfully convicted persons.

Present law provides that compensation shall be calculated at a rate of \$15,000 per year of incarceration, not to exceed a total of \$150,000.

Proposed law changes present law from \$15,000 per year to \$25,000 per year and from \$150,000 total to \$500,000 for physical harm and injury suffered by the petitioner to be paid at a rate of \$25,000 annually.

Present law provides that the petitioner shall be compensated \$40,000 for the loss of life opportunities.

Proposed law changes the amount of compensation for loss of life opportunities in present law from \$40,000 to \$80,000.

Present law provides that the Innocence Compensation Fund shall pay for the costs of job-skills training for one year and for the appropriate medical and counseling services for three years.

Proposed law provides that the Innocence Compensation Fund shall pay for the costs of job-skills training for three years and for the appropriate medical and counseling services for six years.

Proposed law provides that in any fiscal year, the state treasurer is directed to deposit all recurring state general fund revenue, not to exceed \$2 million in any fiscal year, as recognized by the Revenue Estimating Conference in excess of the Official Forecast at the beginning of the current fiscal year into the Innocence Compensation Fund.

Proposed law 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.

Effective Sept. 1, 2011.

(Amends R.S. 15:572.8(H)(2)(intro.para.), (a), and (b) and (N)(1); Adds R.S. 15:572.8(Q))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Removed provision requiring that when the conviction is overturned or reversed, the court shall expunge the petitioner's record of the conviction and declare that the petitioner is a victim of wrongful conviction.

Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill.

1. Changed rate of compensation from \$50,000 per year of incarceration to \$25,000 per year and the total amount of compensation from \$600,000 to \$500,000.
2. Added that the total compensation is to be paid at a rate of \$25,000 annually.
3. Deleted provision that the state shall appropriate monies annually to ensure that the amount of monies in the Innocence Compensation Fund shall not fall below \$1 million.
4. Added provision that in any fiscal year, the state treasurer is directed to deposit all recurring state general fund revenue, not to exceed \$2 million in any fiscal year, as recognized by the Revenue Estimating Conference in excess of the Official Forecast at the beginning of the current fiscal year into the Innocence Compensation Fund.