



LEGISLATIVE FISCAL OFFICE
Fiscal Note

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

Proposed Amd.:
Sub. Bill For.:

Date: June 15, 2011 1:38 PM	Author: DIXON
Dept./Agy.: Corrections	
Subject: Wrongful conviction and compensation	Analyst: Matthew LaBruyere

CRIMINAL/PROCEDURE RE DECREASE GF RV 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 \$25,000 per year incarcerated not to exceed \$500,000 for physical harm and injury suffered by that petitioner to be paid at a rate of \$25,000 annually; 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 that the state treasurer is directed to deposit all recurring state general fund revenue, not to exceed \$2 million in excess of the Official Forecast at the beginning of the fiscal year into the Innocence Compensation Fund. 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.	\$0	\$0	\$0	\$0	\$0	\$0
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.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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

EXPENDITURE EXPLANATION

To the extent that wrongfully incarcerated individuals are compensated according to proposed law, statutory dedicated fund expenditures in FY 12 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 proposed legislation dedicates up to \$2,000,000 of SGF revenue to the Innocence Compensation Fund. It is uncertain at this time whether any dedication of general fund resources will occur in FY12. It is unknown at this time how many persons will be determined innocent and receive funds for wrongful conviction and imprisonment.

In the event a person is found to be wrongfully convicted, the Innocence Compensation Fund will expend \$25,000 annually for each year the person was incarcerated and the maximum amount received will not be more than \$500,000. 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, \$1,688,852 has been awarded to 11 petitioners. Of this amount 7 persons were awarded the maximum amount of \$150,000 and 2 persons were awarded the maximum of \$40,000 for loss of life opportunities.

For illustrative purposes, if 6 of the wrongfully convicted who received the original maximum award filed a petition and received the full supplemental compensation as mentioned in proposed legislation, the amount paid would be approximately \$2.18 M (6 cases x \$350,000 increased compensation + 2 cases x \$40,000 increased compensation).

(Continued on page 2)

REVENUE EXPLANATION

The proposed legislation effectively creates a new dedication of general fund revenue to the Innocence Compensation Fund, when the Official Forecast for a particular year exceeds the forecast in place at the beginning of the fiscal year. When triggered, this will result in a decrease in state general fund revenue and an increase in statutory dedication revenue.

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:

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This amount would be paid at a rate of \$25,000 annually until the new maximum amount is reached. To the extent no new cases were filed and the 6 cases were to receive supplemental compensation, the state would pay \$150,000 (6 cases x \$25,000 annually) for the next 14 years.

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.

The Legislative Fiscal Office does not anticipate that this legislation will result in a significant increase in workload which would require additional personnel or operating service expenditures.

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