



LEGISLATIVE FISCAL OFFICE  
Fiscal Note

Fiscal Note On: **HB 285** HLS 11RS 849  
Bill Text Version: **RE-REENGROSSED**  
Opp. Chamb. Action:  
  
Proposed Amd.:  
Sub. Bill For.:

<b>Date:</b> June 16, 2011	12:50 PM	<b>Author:</b> DIXON
<b>Dept./Agy.:</b> Corrections		
<b>Subject:</b> Wrongful conviction and compensation		<b>Analyst:</b> Matthew LaBruyere

CRIMINAL/PROCEDURE RR INCREASE GF EX See Note Page 1 of 1  
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 the costs of job-training skills for three years and for appropriate medical and counseling services for six years. Proposed legislation deletes the provisions that established the Innocence Compensation Fund and how it is funded. 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	INCREASE	INCREASE	INCREASE	INCREASE	
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

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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

To the extent that wrongfully incarcerated individuals are compensated according to proposed law, state general fund expenditures in FY 12 would increase by an indeterminable but significant amount. 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 state general fund will be used to pay \$25,000 annually for each year the person was incarcerated and the maximum amount received will not be more than \$500,000. State general fund would also be used to pay 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 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). 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.

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