

Regular Session, 2012

HOUSE BILL NO. 575

BY REPRESENTATIVE LOPINTO

CRIMINAL/PROCEDURE: Provides relative to the disbursement of funds for the loss of life opportunities of wrongfully convicted persons

1 AN ACT

2 To amend and reenact R.S. 15:572.8(H)(2), (3), and (4) and (N)(1) and to enact R.S.
3 15:572.8(H)(5), (R), and (S), relative to compensation for wrongful conviction and
4 imprisonment; to provide relative to the disbursement of funds for loss of life
5 opportunities; to provide for the management of the Innocence Compensation Fund;
6 to require reporting; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:572.8(H)(2), (3), and (4) and (N)(1) are hereby amended and
9 reenacted and R.S. 15:572.8(H)(5), (R), and (S) are hereby enacted to read as follows:

10 §572.8. Compensation for wrongful conviction and imprisonment; petition process;
11 compensation; proof; assignment of powers and duties

12 * * *

13 H.

14 * * *

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

19 (3) ~~As~~ In addition to the funds provided in Paragraph (2) of this Subsection,
20 as compensation for the loss of life opportunities resulting from the time spent

1 incarcerated, the court shall also review requests for payment ~~and order payment, by~~
2 the petitioner for training, services, or classes as provided in Subparagraphs (a), (b),
3 (c), (d), and (e) of this Paragraph, not to exceed eighty thousand ~~dollars, which the~~
4 ~~court finds reasonable and appropriate~~ dollars. Upon showing by the petitioner that
5 he has enrolled in or has registered for such training, services, or classes, entered into
6 a lease or rental agreement for housing, purchased health care insurance, or incurred
7 medical expenses, or upon proof of actual expenses incurred as a result thereof, the
8 court shall order payment of funds for the loss of life opportunities, which the court
9 finds reasonable and appropriate, from the Innocence Compensation Fund to:

10 (a) Pay the costs of job-skills training for three years.

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

15 (c) Pay the costs of rent for the petitioner's housing.

16 (d) Pay the costs of health care insurance or medical expenses.

17 (e)(i) Provide expenses for tuition and fees at any community college or unit
18 of the public university system of the state of Louisiana.

19 (ii) State aid in accordance with this Subparagraph shall include assistance
20 in meeting any admission standards or criteria required at any of the applicable
21 institutions, including but not limited to assistance in satisfying requirements for a
22 certificate of equivalency of completion of secondary education and assistance in
23 completing any adult education program or courses.

24 (iii) The right to receive aid in accordance with this Subparagraph shall be
25 for ten years after the release of a petitioner who qualifies for aid. State education
26 aid shall continue for up to a total of five years of aid when initiated within the ten-
27 year period or until the degree or program for which the petitioner is authorized is
28 completed, whichever is less, as long as the petitioner makes satisfactory progress
29 in the courses or program in which he is enrolled. Aid shall be available for

1 completion of any degree or program which the petitioner chooses and which is
2 available from the applicable institutions.

3 ~~(3)~~(4) In determining the compensation owed to the petitioner, the court may
4 not deduct any expenses incurred by the state or any of its political subdivisions in
5 connection with the arrest, prosecution, conviction, and imprisonment of the
6 petitioner for a crime of which the board finds he was factually innocent, including
7 expense for food, clothing, shelter, and medical services.

8 ~~(4)~~(5) A petitioner shall not be entitled to compensation for any portion of
9 a sentence in prison during which he was also serving a concurrent sentence for the
10 conviction of another crime.

11 * * *

12 N.(1) There is hereby established a special fund in the state treasury to be
13 known as the Innocence Compensation Fund, hereinafter referred to as the "fund".
14 The fund shall be administered by the Louisiana Commission on Law Enforcement
15 and Administration of Criminal Justice. The source of monies for the fund shall be
16 appropriations, donations, grants, and other monies which may become available for
17 the purposes of the fund. Any judgment rendered pursuant to this Section shall be
18 payable only from the fund established herein. No state agency, political
19 subdivision, constitutional office, nor employee thereof shall be liable for any
20 payment ordered pursuant to this Section.

21 * * *

22 R. The Louisiana Commission on Law Enforcement and Administration of
23 Criminal Justice shall prepare a report annually for the prior calendar year and
24 submit it to the governor and legislature, on or before the first day of April,
25 commencing in 2013, including the number of awards and the total amount of funds
26 distributed in accordance with the provisions of this Section.

27 S. The Louisiana Commission on Law Enforcement and Administration of
28 Criminal Justice, in accordance with the Administrative Procedure Act, shall adopt

1 all rules necessary to implement the provisions of this Section, including but not
2 limited to the following:

3 (1) The methods and procedures for applying for compensation from the
4 Innocence Compensation Fund as authorized by this Section.

5 (2) The administration of the Innocence Compensation Fund.

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)]

Lopinto

HB No. 575

Abstract: Provides relative to the disbursement of funds for loss of life opportunities of persons who were wrongfully convicted, requiring proof of enrollment or registration or proof of actual expenses incurred.

Present law provides for the disbursement of funds up to \$80,000 for the loss of life opportunities of persons who were wrongfully convicted in order to pay for certain job-skills training, education, or other medical and counseling services.

Proposed law retains present law but requires the petitioner to show that he has enrolled in or has registered for such training, classes, or services, or provide proof of actual expenses incurred as a result thereof.

Proposed law adds that expenses associated with entering into a lease or rental agreement for housing, purchasing health care insurance, or incurring medical expenses may be covered by the loss of life opportunities award.

Proposed law requires the La. Commission on Law Enforcement and Administration of Criminal Justice to manage the Innocence Compensation Fund.

Proposed law provides that the La. Commission on Law Enforcement and Administration of Criminal Justice shall prepare a report annually for the prior calendar year and submit it to the governor and legislature, on or before the first day of April, commencing in 2013, including the number of awards and the total amount of funds distributed.

Proposed law requires the La. Commission on Law Enforcement and Administration of Criminal Justice to adopt rules to administer proposed law.

(Amends R.S. 15:572.8(H)(2), (3), and (4) and (N)(1); Adds R.S. 15:572.8(H)(5), (R), and (S))

Summary of Amendments Adopted by House

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

1. Added provisions requiring the Innocence Compensation Fund to be managed by the La. Commission on Law Enforcement and Administration of Criminal Justice.

2. Added provisions requiring the commission to submit an annual report on the total number of awards and compensation distributed to the governor and legislature.
3. Authorized expenses for housing, health insurance, and medical needs to be covered by the \$80,000 loss of life opportunities award.
4. Added provision requiring the promulgation of rules.