

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 167** HLS 12RS 463
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.: **REVISED**

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| Date: March 14, 2012 11:06 AM | Author: DIXON |
| Dept./Agy.: Corrections | Analyst: Matthew LaBruyere |
| Subject: Wrongfully Convicted Persons | |

CRIMINAL/PROCEDURE OR INCREASE GF EX See Note Page 1 of 1
 Increases the maximum amount of compensation awarded to wrongfully convicted persons

Proposed legislation increases the maximum of compensation for wrongfully convicted persons from \$250,000 to \$500,000.

| EXPENDITURES | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 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 | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| Annual Total | | | | | | |
| REVENUES | 2012-13 | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 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

The proposed legislation will result in an indeterminable, but significant increase in state general fund expenditures as a result of increasing the maximum amount of compensation for wrongfully convicted persons from \$250,000 to \$500,000. Any person that is wrongfully convicted and receives maximum compensation would increase SGF expenditures by \$250,000. In current law, individuals are awarded \$25,000 for each year wrongfully incarcerated, with a maximum of \$250,000 and any person awarded compensation between September 1, 2005 and September 1, 2011 may file a petition seeking supplemental appropriation on or before September 1, 2012. Individuals awarded compensation prior to Act 262 of the 2011 Regular Legislative Session received \$15,000 for year wrongfully incarcerated up to a maximum amount of \$150,000.

The increased maximum compensation amount of \$500,000 would benefit individuals who were wrongfully incarcerated more than 10 years. As of 2011, there were 9 individuals that were wrongfully incarcerated for more than 10 years. Of the 9 individuals, 8 received compensation for the maximum amount of \$150,000 and 1 individual received \$145,562. The chart below shows the compensation these individuals may receive if they filed a petition for supplemental compensation:

| Individual | Time Served | Compensation Awarded | Compensation from proposed legislation | Increase |
|-------------------|--------------------|-----------------------------|---|--------------------|
| 1 | 27 | \$150,000 | \$500,000 | \$350,000 |
| 2 | 27 | \$150,000 | \$500,000 | \$350,000 |
| 3 | 25 | \$150,000 | \$500,000 | \$350,000 |
| 4 | 24 | \$150,000 | \$500,000 | \$350,000 |
| 5 | 21 | \$150,000 | \$500,000 | \$350,000 |
| 6 | 18 | \$150,000 | \$450,000 | \$300,000 |
| 7 | 17 | \$150,000 | \$425,000 | \$275,000 |
| 8 | 17 | \$145,562 | \$425,000 | \$279,438 |
| 9 | 14 | \$150,000 | \$350,000 | \$200,000 |
| Total | | \$1,345,562 | \$4,150,000 | \$2,804,438 |

To the extent each individual who was wrongfully convicted and served 10 years or more filed a petition and is awarded supplemental compensation, the cost to fund all petitions would be \$2,804,438.

REVENUE EXPLANATION

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

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| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> | |
| <input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | <input type="checkbox"/> 6.8(F)1 >= \$500,000 Annual Fiscal Cost {S} | | <i>Evan Brasseaux</i> |
| <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 |