

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CRIMINAL/PROCEDURE. Provides for the administration of the Innocence Compensation Fund.

DIGEST

Present law provides for compensation for wrongfully convicted persons.

Present law provides that compensation shall be calculated at a rate of \$25,000 per year incarcerated not to exceed a maximum total amount of \$250,000 for the physical harm and injury suffered by the petitioner to be paid at a rate of \$25,000 annually. As compensation for the loss of life opportunities resulting from the time spent incarcerated, the court shall also review request for payment and order payment, not to exceed \$80,000, which the court finds reasonable and appropriate from the Innocence Compensation Fund.

Proposed law retains present law but removes the court's authority to review the request for payment and to make a determination of reasonableness and appropriateness.

Present law allows for compensation for:

- (1) Costs of job-skills training for three years.
- (2) Appropriate medically necessary medical and counseling services for six years to the petitioner at a mutually agreed upon location at no charge to the petitioner, but only if such services are not available from a state or other public facility, clinic, or office that is reasonably accessible to the petitioner.
- (3) Expenses for tuition and fees at any community college or unit of the public university system. State aid shall include assistance in meeting any admission standards or criteria required at any of the applicable institutions, including but not limited to assistance in satisfying requirements for a certificate of equivalency of completion of secondary education and assistance in completing any adult education program or courses. The right to receive such aid shall be for 10 years after the release of a petitioner who qualifies for aid. State education aid shall continue for up to a total of five years when initiated within the 10-year period or until the degree or program for which the petitioner is authorized is completed, whichever is less, as long as the petitioner makes satisfactory progress in the courses or program in which he is enrolled.

Proposed law retains present law and adds compensation for any other additional costs related to loss of life opportunities.

Proposed law provides that the La. Commission on Law Enforcement and Administration of Criminal Justice shall 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 pursuant to present law.

Proposed law authorizes 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)(intro para.) and (N)(1); adds R.S. 15:572.8(H)(2)(D), (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. Removed the proposed law increase in maximum compensation.
2. Added provisions requiring the fund to be managed by the La. Commission on Law Enforcement and Administration of Criminal Justice.
3. Added provisions requiring the commission to submit an annual report on the total number of awards and compensation distributed to the governor and legislature.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the engrossed bill

1. Removes provisions that allowed for the court's review of the request for payment and its determination of reasonableness and appropriateness.
2. Adds provision allowing compensation for costs related to loss of life opportunities.