

**LEGISLATIVE FISCAL OFFICE
Fiscal Note**



Fiscal Note On: **HB 167** HLS 12RS 463
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

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| Date: May 15, 2012 7:10 AM | Author: DIXON |
| Dept./Agy.: Corrections | Analyst: Matthew LaBruyere |
| Subject: Wrongfully Convicted Persons | |

CRIMINAL/PROCEDURE EG1 INCREASE GF EX See Note Page 1 of 1
 Provides for the administration of the Innocence Compensation Fund

Proposed legislation provides for the LA Commission on Law Enforcement (LCLE) and Administration of Criminal Justice (ACJ) to manage the Innocence Compensation Fund. Proposed legislation provides that the LCLE and ACJ 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 legislation requires the LCLE and ACJ to adopt rules to administer proposed legislation.

Proposed legislation removes the provisions regarding the court to review requests for payment for loss of life opportunities and the court to award reasonable and appropriate payment for loss of life opportunities.

Proposed legislation adds any other additional costs related to the loss of life opportunities to the payment for loss of life opportunities.

| 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> | \$0 |
| 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> | \$0 |
| Annual Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable, but potentially significant increase in state general fund expenditures. The proposed legislation removes the discretion of the court when determining "loss of life opportunities" for individuals who were wrongfully convicted. Currently, the court must review the requests for payment and order payment, not to exceed \$80,000, that is reasonable and appropriate. The LFO believes the proposed legislation may result in a potential increase in payments for "loss of life opportunities" as a result of the courts no longer reviewing requests and ordering reasonable and appropriate payments. For illustrative purposes, an individual, under current law, could receive payment that the court deemed appropriate in the amount of \$40,000; and under the proposed legislation that individual would receive \$80,000, an increase in \$40,000 (\$80,000 proposed law - \$40,000 current law). The exact increase is indeterminable since it is unknown how many individuals will receive wrongful compensation and it is unknown what amount would have been considered appropriate for loss of life opportunities. To date, all judgments paid to wrongfully convicted individuals have been funded with state general fund.

The proposed legislation may result in a negligible increase in state general fund expenditures as a result the Louisiana Commission on Law Enforcement (LCLE) administering the Innocence Compensation Fund. LCLE would use existing resources and personnel to prepare an annual report to the governor and legislature regarding the number of awards and funds distributed; and develop and adopt rules for those applying for compensation and the administration of the fund. The potential increase in expenditures would be associated with printing checks for individuals found to be wrongfully convicted and postage associated with mailing the checks. The LFO anticipates that any costs incurred will be negligible and absorbed within the agency's existing appropriation.

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> | <i>Evan Brasseaux</i> |
| <input 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} | | |
| <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 |