

LSA-R.S. **15:572.8**

West's Louisiana Statutes Annotated [Currentness](#)

Louisiana Revised Statutes

Title 15. Criminal Procedure ([Refs & Annos](#))

Chapter 5. Reprieve, Pardon, and Parole ([Refs & Annos](#))

Part I. Reprieve and Pardon

➔ **§ 572.8. Compensation for wrongful conviction and imprisonment; application process; compensation; proof; assignment of powers and duties**

A. An applicant is entitled to compensation in accordance with this Section if he has served in whole or in part a sentence of imprisonment under the laws of this state for a crime for which he was convicted and:

- (1) The conviction of the applicant has been reversed or vacated; and
- (2) The applicant has proven by clear and convincing scientific or non-scientific evidence that he is factually innocent of the crime for which he was convicted.

B. For the purposes of this Section, "factual innocence" means that the applicant did not commit the crime for which he was convicted and incarcerated nor did he commit any crime based upon the same set of facts used in his original conviction.

C. (1) All applications for compensation as provided in this Section shall be filed in the Nineteenth Judicial District Court, hereinafter referred to as "the court", and shall be allotted to the civil division as provided by [Code of Civil Procedure Article 253.1](#) and applicable rules of that court. The court shall render a final decision on all applications for compensation filed in accordance with the provisions of this Section and shall be tried by the judge alone. The court may consider any relevant evidence regardless of whether it was admissible in, or excluded from, the criminal trial in which the applicant was convicted. The court shall submit a copy of any application filed pursuant to this Section to the sentencing court and the district attorney within fifteen days of receiving such application.

(2) If, from its findings of fact, the court determines that the applicant is entitled to compensation because he is found to be factually innocent of the crime of which he was convicted, it shall determine the compensation due in accordance with the provisions of this Section, and it shall order payment to the applicant from the Innocence Compensation Fund which shall be created specifically for the administration of awards under this Section. The court shall annually prepare and submit a report for the prior calendar year to the governor and legislature, on or before the first day of April, commencing in 2005, including the number of awards and the total amount of funds distributed in accordance with this Section.

(3) Compensation shall be calculated at a rate of fifteen thousand dollars per year incarcerated not to exceed a maximum total amount of one hundred fifty thousand dollars. As compensation for the loss of life opportunities resulting from the time spent incarcerated, the court shall also review requests for payment and order payment which

the court finds reasonable and appropriate from the Innocence Compensation Fund to:

(a) Pay the costs of job-skills training for one year; and

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

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

(i) State aid in accordance with this Subparagraph 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.

(ii) The right to receive aid in accordance with this Subparagraph shall be for ten years after the release of an applicant who qualifies for aid. State education aid shall continue for up to a total of five years of aid when initiated within the ten-year period or until the degree or program for which the applicant is authorized is completed, whichever is less, as long as the applicant makes satisfactory progress in the courses or program in which he is enrolled. Aid shall be available for completion of any degree or program which the applicant chooses and which is available from the applicable institutions.

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

(5) An applicant shall not be entitled to compensation for any portion of a sentence in prison during which he was also serving a concurrent sentence for the conviction of another crime.

D. Any applicant claiming compensation in accordance with this Section based on a disposition enumerated in Paragraph (A)(1) of this Section that occurs on or after September 1, 2005, shall file an application within two years from the date on which the conviction was reversed or vacated.

E. Any applicant claiming compensation in accordance with this Section and based on a disposition enumerated in Paragraph (A)(1) of this Section that occurred prior to September 1, 2005, shall file an application on or before September 1, 2007, or be forever barred from filing an application.

F. This Section shall apply to all applications for compensation from applicants who have been convicted of and imprisoned for crimes of which they are factually innocent. Applications which are predicated on convictions involving willful misconduct on the part of state actors are not limited to the recovery provided in this Section.

G. The following shall not be defenses to an application brought pursuant to this Section:

(1) The judgment of conviction in the trial that resulted in the applicant's imprisonment.

(2) An indictment, information, complaint, or other formal accusation.

H. Any finding by the court shall be inadmissible in any judicial proceeding and shall not form the basis for any cause of action by the applicant or any other person.

I. (1) There is hereby established a special fund in the state treasury to be known as the Innocence Compensation Fund, hereinafter referred to as the "fund". The source of monies for the fund shall be appropriations, donations, grants, and other monies which may become available for the purposes of the fund.

(2) The monies in the fund shall be subject to appropriation and may only be used as provided in Paragraph (3) of this Subsection. The monies in the fund shall be invested by the treasurer in the same manner as monies in the state general fund, and interest earnings shall be deposited in and credited to the fund. All unexpended or unencumbered monies remaining in the fund at the end of the fiscal year shall remain to the credit of the fund.

(3) Monies appropriated from the fund shall be used exclusively by the court to compensate applicants who are found to be factually innocent of the crime of which convicted, as provided in Subsection A of this Section.

J. In the event that compensation is awarded to a claimant pursuant to this Section in the amount in excess of one hundred thousand dollars, the court may fund on behalf of such claimant an annuity contract to be secured by the claimant, provided that:

(1) Such contract shall only be secured from an insurance company licensed in accordance with the laws of the state of Louisiana whose claims-paying ability is rated as superior or excellent by at least two nationally recognized rating services; and

(2) The contract, by its terms, cannot be sold, transferred, assigned, discounted, or used as security for a loan; and

(3) The contract provides for survivors benefits; and

(4) The remainder of the compensation awarded shall be distributed evenly over a period of five years.

CREDIT(S)

Added by [Acts 2005, No. 486, § 1, eff. Sept. 1, 2005](#).

HISTORICAL AND STATUTORY NOTES

2005 Electronic Pocket Part Update

Pursuant to the statutory revision authority of the Louisiana State Law Institute, in this section as enacted in 2005, in items (C)(3)(c)(i) and (C)(3)(c)(ii), "with this Subparagraph" was twice substituted for "with Subparagraph (A)(3)(c)".

CROSS REFERENCES

Venue for applications for compensation based upon wrongful conviction and imprisonment, see [C.C.P. Art. 87](#).