

2019 Regular Session

ACT No. 121

HOUSE BILL NO. 492

BY REPRESENTATIVES LARVADAIN, AMEDEE, ARMES, BRASS, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, COX, DUPLESSIS, GAINES, GLOVER, JIMMY HARRIS, LANCE HARRIS, HOWARD, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, ROBERT JOHNSON, JORDAN, TERRY LANDRY, LYONS, MARCELLE, MARINO, MCFARLAND, MOORE, JAY MORRIS, NORTON, PIERRE, SEABAUGH, AND SMITH

1 AN ACT

2 To amend and reenact R.S. 15:572.8(H) and (N)(1) and (3) and to repeal Code of Civil
3 Procedure Article 87, relative to compensation for wrongful conviction and
4 imprisonment; to provide relative to the compensation received by the petitioner for
5 the loss of life opportunities resulting from the time spent incarcerated; to provide
6 relative to the purposes for which a person who is wrongfully convicted may receive
7 compensation for loss of life opportunities; to provide relative to the Innocence
8 Compensation Fund; to provide relative to the authority of the Louisiana
9 Commission of Law Enforcement and Administration of Criminal Justice in this
10 regard; to provide relative to the venue in which an application for compensation
11 based upon wrongful conviction and imprisonment may be filed; to provide relative
12 to changes made to R.S. 15:572.8(H)(1) and (2)(introductory paragraph) in Section
13 4 of Act No. 612 of the 2018 Regular Session of the Legislature and the repeal of
14 R.S. 15:572.8(N) and (S) in Section 22 of Act No. 612 of the 2018 Regular Session
15 of the Legislature; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 15:572.8(H) and (N)(1) and (3) are hereby amended and reenacted
18 to read as follows:

19 §572.8. Compensation for wrongful conviction and imprisonment; petition process;
20 compensation; proof; assignment of powers and duties

21 * * *

1 H.(1) After a contradictory hearing with the attorney general, the court shall
 2 render a decision as soon as practical. If, from its findings of fact, the court
 3 determines that the petitioner is entitled to compensation because he is found to be
 4 factually innocent of the crime of which he was convicted, it shall determine the
 5 amount of compensation due in accordance with the provisions of this Section, and
 6 it shall order payment to the petitioner from the Innocence Compensation Fund
 7 which shall be created specifically for the administration of awards under this
 8 Section.

9 (2) Compensation for the physical harm and injury suffered by the petitioner
 10 shall be calculated at a rate of twenty-five thousand dollars per year incarcerated, not
 11 to exceed a maximum total amount of two hundred fifty thousand dollars, ~~for the~~
 12 ~~physical harm and injury suffered by the petitioner~~ to be paid at a rate of twenty-five
 13 thousand dollars annually. ~~As~~

14 (3) In addition to the compensation provided in Paragraph (2) of this
 15 Subsection, the court shall order that the petitioner receive eighty thousand dollars
 16 total in compensation for the loss of life opportunities resulting from the time spent
 17 ~~incarcerated, the court shall also review requests for payment and order payment, not~~
 18 ~~to exceed eighty thousand dollars, which the court finds reasonable and appropriate~~
 19 and to cover expenses relating to job skills training, education, housing, and any
 20 other services the wrongfully convicted person may need. Any petitioner who has
 21 been awarded compensation pursuant to the provisions of this Paragraph and who
 22 has received a portion of the compensation prior to August 1, 2019, may file a
 23 petition prior to August 1, 2020, seeking the remainder of the compensation, not to
 24 exceed eighty thousand dollars total, authorized by the provisions of this Paragraph
 25 or be forever barred from filing the petition. Compensation ordered pursuant to the
 26 provisions of this Paragraph shall be paid from the Innocence Compensation Fund
 27 to:

- 28 (a) ~~Pay the costs of job-skills training for three years.~~
- 29 (b) ~~Pay for appropriate medically necessary medical and counseling services~~
 30 ~~for six years to the petitioner at a mutually agreed upon location at no charge to the~~

1 petitioner, but only if such services are not available from a state or other public
2 facility, clinic, or office that is reasonably accessible to the petitioner.

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

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

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

18 (3)(4) In determining the compensation owed to the petitioner, the court may
19 not deduct any expenses incurred by the state or any of its political subdivisions in
20 connection with the arrest, prosecution, conviction, and imprisonment of the
21 petitioner for a crime of which the board finds he was factually innocent, including
22 expense for food, clothing, shelter, and medical services.

23 (4)(5) A petitioner shall not be entitled to compensation for any portion of
24 a sentence in prison during which he was also serving a concurrent sentence for the
25 conviction of another crime.

26 * * *

27 N.(1) There is hereby established a ~~special fund~~ in the state treasury a special
28 fund to be known as the Innocence Compensation Fund, hereinafter referred to as the
29 "fund". The fund shall be administered by the Louisiana Commission on Law
30 Enforcement and Administration of Criminal Justice. The source of monies for the

1 fund shall be appropriations, donations, grants, and other monies which may become
2 available for the purposes of the fund. Any judgment rendered pursuant to this
3 Section shall be payable only from the fund established herein. No state agency,
4 political subdivision, constitutional office, nor employee thereof shall be liable for
5 any payment ordered pursuant to this Section.

6 * * *

7 (3) Monies appropriated from the fund shall be used exclusively ~~by the court~~
8 to compensate petitioners who are found to be factually innocent of the crime of
9 which they were convicted; as provided in ~~Subsection A~~ of this Section.

10 * * *

11 Section 2. Code of Civil Procedure Article 87 is hereby repealed in its entirety.

12 Section 3. It is the intent of the legislature that the changes made to R.S.
13 15:572.8(H)(1) and (2)(introductory paragraph) in Section 4 of Act No. 612 of the 2018
14 Regular Session of the Legislature and the repeal of R.S. 15:572.8(N) and (S) in Section 22
15 of Act No. 612 of the 2018 Regular Session of the Legislature shall never go into effect and
16 that the provisions of this Act shall control. Therefore, notwithstanding the provisions of
17 Section 25 of Act No. 612 of the 2018 Regular Session of the Legislature, the provisions of
18 Section 4 of Act No. 612 of the 2018 Regular Session that amended and reenacted R.S.
19 15:572.8(H)(1) and (2)(introductory paragraph) and the provisions of Section 22 of Act No.
20 612 of the 2018 Regular Session that repealed R.S. 15:572.8(N) and (S) shall not become
21 effective and are hereby repealed.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 71

BY SENATOR CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact Code of Civil Procedure Art. 192.2 and to amend and reenact R.S.
3 46:2134(A), relative to interpreters in certain civil proceedings; to provide for
4 appointment of an interpreter for a non-English-speaking person who is a principal
5 party in interest or a witness; to provide relative to the appointment of an interpreter
6 in civil protective order proceedings before the court; to provide relative to costs; to
7 provide for procedures and conditions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Civil Procedure Art. 192.2 is hereby amended and reenacted to
10 read as follows:

11 Art. 192.2. Appointment of interpreter for non-English-speaking persons

12 A. If a non-English-speaking person who is a principal party in interest or a
13 witness in a proceeding before the court has requested an interpreter, a judge shall
14 appoint, after consultation with the non-English-speaking person or his attorney, a
15 competent interpreter to interpret or to translate the proceedings to him and to
16 interpret or translate his testimony.

17 B. The court shall order ~~reimbursement~~ **payment** to the interpreter for his
18 services at a fixed reasonable amount, and that amount shall be ~~taxed by the court as~~
19 ~~costs of court~~ **paid out of the appropriate court fund, except as provided in**
20 **Paragraph C. The amount paid out of the fund may be taxed by the court as**
21 **costs of court to be reimbursed to the fund.**

22 **C. In a proceeding alleging abuse under R.S. 46:2134 et seq., an**
23 **interpreter if necessary shall be appointed prior to a rule to show cause hearing.**

1 Section 2. R.S. 46:2134 (A) is hereby amended and reenacted to read as follows:

2 §2134. Petition

3 A. A petition filed under the provisions of this Part shall contain the
4 following:

5 (1) The name of each petitioner and each person on whose behalf the petition
6 is filed, and the name, address, and parish of residence of each individual alleged to
7 have committed abuse, if known; if the petition is being filed on behalf of a child or
8 person alleged to be incompetent, the relationship between that person and the
9 petitioner.

10 (2) The facts and circumstances concerning the alleged abuse.

11 (3) The relationship between each petitioner and each individual alleged to
12 have committed abuse.

13 (4) A request for one or more protective orders.

14 **(5) If desired, a request for a competent interpreter for a non-English-**
15 **speaking principal party or witness to the proceeding.**

16 * * *

17 Section 3. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2019 Regular Session

ACT No. 415

HOUSE BILL NO. 4

BY REPRESENTATIVE DWIGHT

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 2334 and R.S. 13:4345, relative to
3 sheriff's sales of property; to provide for alternative procedures for publication of
4 mortgage and other certificates; to provide relative to the failure to read aloud or
5 provide a copy of such certificates; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 2334 is hereby amended and reenacted
8 to read as follows:

9 Art. 2334. Reading of advertisement and certificates

10 A. At the time and place designated for the sale, the sheriff shall read aloud
11 the advertisement describing the property, ~~and.~~ The sheriff shall also read aloud a
12 mortgage certificate and any other certificate required by law; or otherwise provide,
13 at least twenty-four hours prior to the sale, a copy of such certificates to the public
14 by means of public posting, written copies, electronic means, or by any other
15 method.

16 B. The failure of the sheriff to procure, read aloud, or provide a copy of any
17 certificate as required by this Article shall not impact the validity of the sale and
18 shall not give rise to any cause of action against the sheriff, the seizing creditor, or
19 the purchaser arising out of such failure.

20 Section 2. R.S. 13:4345 is hereby amended and reenacted to read as follows:

1 §4345. Penalty for failure of sheriff to procure and ~~read aloud~~ provide certificates
2 required by law

3 A sheriff who neglects to procure and ~~read aloud~~ provide the certificates
4 required by law before a judicial sale under a writ of fieri facias or of seizure and
5 sale shall be fined not less than two hundred and fifty dollars, nor more than five
6 hundred dollars, and all costs of court. One half of this fine shall be paid to the
7 complainant and the other half shall be retained by the state.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 17

2019 Regular Session

HOUSE BILL NO. 417

BY REPRESENTATIVE HILL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

AN ACT

To amend and reenact Code of Civil Procedure Article 4521(A)(3) and (B) and to repeal Code of Civil Procedure Article 4521(C), relative to payments to a minor from a judgment or settlement; to provide for the payment of funds to a minor in the custody of the Department of Children and Family Services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 4521(A)(3) and (B) are hereby amended and reenacted to read as follows:

Art. 4521. Payments to minor

A. In approving any proposal by which a minor is to be paid funds as the result of a judgment or settlement, the court may order:

* * *

(3) That the funds be placed in trust in accordance with the Louisiana Trust Code to be administered by an individual or corporate trustee as determined by the court. However, the court shall not order funds which will be paid to an unemancipated minor who is in the legal custody of the Department of Children and Family Services to be placed in trust if the amount of the judgment or settlement is less than fifty thousand dollars.

* * *

~~B. In approving any proposal by which funds will be paid to an unemancipated minor who is in the legal custody of the Department of Children and Family Services, the court shall order that the funds be placed in trust in accordance~~

1 ~~with the Louisiana Trust Code and the provisions of Article 4269.1, to be~~
2 ~~administered by an individual or corporate trustee as determined by the court.~~

3 €: In determining whether a proposed periodic payment schedule is in the
4 best interest of the minor, the court shall consider the following factors:

- 5 (1) Age and life expectancy of the minor.
- 6 (2) Current and anticipated financial needs of the minor.
- 7 (3) Income and estate tax implications.
- 8 (4) Impact on eligibility for government benefits.
- 9 (5) Present value of the proposed payment arrangement and the method by
10 which the value is calculated.

11 Section 2. Code of Civil Procedure Article 4521(C) is hereby repealed in its entirety.

12 Section 3. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2019 Regular Session

ACT No. 135

HOUSE BILL NO. 35

BY REPRESENTATIVES FRANKLIN AND DWIGHT AND SENATOR JOHNS

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4843(E) and (H), relative to city
3 court jurisdiction; to provide relative to the civil jurisdiction concurrent with the
4 district court in cases where the amount in dispute does not exceed fifty thousand
5 dollars; to provide for the jurisdictional amount in dispute for the City Court of Lake
6 Charles; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 4843(E) and (H) are hereby amended
9 and reenacted to read as follows:

10 Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or
11 political subdivision

12 * * *

13 E. In the City Court of Bogalusa, the City Court of Bunkie, the City Court
14 of Eunice, ~~the City Court of Lake Charles,~~ the City Court of Marksville, the City
15 Court of Natchitoches, a city court in New Orleans, the City Court of Opelousas, the
16 City Court of Port Allen, the City Court of Sulphur, the City Court of Ville Platte,
17 and the City Court of Winnsboro, the civil jurisdiction is concurrent with the district
18 court in cases where the amount in dispute, or the value of the property involved,
19 does not exceed twenty-five thousand dollars.

20 * * *

21 H. In the City Court of Alexandria, the Third Ward City Court of Franklin,
22 the City Court of Pineville, the City Court of Slidell, ~~and~~ the City Court of Ruston,

1 and the City Court of Lake Charles the civil jurisdiction is concurrent with the
2 district court in cases where the amount in dispute, or the value of the property
3 involved does not exceed fifty thousand dollars.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2019 Regular Session
HOUSE BILL NO. 214
BY REPRESENTATIVE JENKINS

ACT No. 300

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 5059(C)(2), relative to appeals of
3 decisions by the Department of Environmental Quality and the Department of
4 Insurance; to provide for the computation of the period of time to seek certain
5 reviews or appeals of decisions by the Department of Environmental Quality and the
6 Department of Insurance; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 5059(C)(2) is hereby amended and
9 reenacted to read as follows:

10 Art. 5059. Computation of time

11 * * *

12 C.

13 * * *

14 (2) Subparagraph (1) of this Paragraph shall not apply to the computation of
15 a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial
16 review or appeal of a decision or order by the Department of Revenue, the
17 Department of Environmental Quality, or the Department of Insurance relative to
18 examination reports in R.S. 22:1983.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____