

## **BILL ANALYSIS**

Senate Research Center  
77R5445 SGA-F

S.B. 536  
By: Ellis  
Criminal Justice  
4/2/2001  
As Filed

### **DIGEST AND PURPOSE**

Under current Texas law, a person wrongfully convicted of a crime is entitled to a maximum total compensation of \$50,000: \$25,000 compensation for medical expenses and \$25,000 for physical and mental pain and suffering, regardless of the length of term served in prison.

As proposed, S.B. 536 provides for the expansion of the list of items that are authorized to be payable as damages in a claim for wrongful imprisonment; increases the statute of limitations for claiming compensation; and allows convicted persons found to be innocent to seek relief and compensation from the courts, rather than by pardon.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 103.001 and 103.006, Civil Practice and Remedies Code, as follows:

Sec. 103.001. Provides that a person is entitled to compensation if the person has served in whole or in part a sentence in prison under the laws of this state and for the crime for which the person was convicted and imprisoned has received a full pardon on the basis of innocence, or has had the conviction reversed on appeal on the basis of legally insufficient evidence to sustain the conviction or of prosecutorial misconduct and the person is ultimately exonerated of the crime by dismissal or acquittal. Deletes existing text pertaining to pleas, guilt, and sentencing.

Sec. 103.006. Provides that the claimant, if the trier of fact finds that the claimant is entitled to compensation, is entitled to certain specific compensatory amounts. Prohibits the trier of fact, in determining the sum of money owed to the claimant, from deducting any expenses incurred by the state or any of its political subdivisions in connection with the arrest, prosecution, conviction, and wrongful imprisonment of the claimant, including expenses for food, clothing, shelter, and medical services. Deletes existing text pertaining to the claimant's compensation.

SECTION 2. Amends Section 103.005(a), Civil Practice and Remedies Code, to authorize the court to admit in the suit as evidence the record of the trial at which the petitioner was convicted and, if applicable, the pardon or proclamation issued to the petitioner by the governor. Makes a nonsubstantive change.

SECTION 3. Amends Section 103.007, Civil Practices and Remedies Code, to require a person who claims compensation for a sentence served in whole or in part after August 30, 1965, to bring the action within three, rather than two, years after certain relative events. Makes conforming and nonsubstantive changes.

SECTION 4. Makes application of this Act prospective both to actions commenced on or after the effective date of this Act and actions pending on that effective date in which the trial, or any new trial or

retrial following motion, appeal, or otherwise, begins on or after that effective date.

SECTION 5. Effective date: September 1, 2001.