

BILL ANALYSIS

Senate Research Center
79R652 SGA-D

S.B. 87
By: Ellis
Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, a claimant seeking compensation for wrongful imprisonment is required to obtain a certification of actual innocence signed by the district attorney in the case. District attorneys may be reluctant to sign such certification due to various political pressures and the potential for increased exposure to litigation.

As proposed, S.B. 87 amends the Civil Practice and Remedies Code to allow a claimant seeking compensation for wrongful imprisonment to apply for such compensation without a certification of innocence signed by the district attorney.

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 Section 103.051(a), Civil Practice and Remedies Code, to delete the requirement that a claimant for compensation for wrongful imprisonment, in order to apply for compensation under this subchapter, file with the comptroller's judiciary section a certification of the claimant's actual innocence of the crime for which the claimant was sentenced that is signed by the attorney representing the state in the prosecution of felonies in the county in which the sentence was rendered. Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2005.