

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1848
By: West
Criminal Justice
4/1/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas has led the United States in the number of persons who have been exonerated after serving time in prison due to wrongful convictions. However, for these exonerees, after years of confinement, this path to freedom has been a rocky road.

Although there is a well-established system and formal structure for persons who are released on parole, no such system exists for individuals released from incarceration following an exoneration. There are few immediate provisions for persons who are released from incarceration following an exoneration based on innocence. Although Texas law provides financial compensation for exonerees, these funds are not available for months, even years. A person exonerated may be faced with multiple challenges, including finding a place to live, finding a way to support himself or herself, and medical and psychological needs. In addition, for those individuals for whom confinement has spanned decades, the world has significantly changed since they were actively involved in society.

C.S.S.B. 1848 requires the Texas Department of Criminal Justice (TDCJ) to develop a comprehensive plan for persons exonerated of a wrongful conviction and sets forth certain required provisions for such a plan. This bill requires the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) to develop a plan to meet the long-term treatment and rehabilitation needs of exonerees. This bill requires TDCJ and TCOOMMI to provide immediate financial and medical resources and support to assist the reentry and reintegration process of these individuals.

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 Subchapter C, Chapter 501, Government Code, by adding Section 501.091, as follows:

Sec. 501.091. REENTRY AND REINTEGRATION SERVICES FOR WRONGFULLY IMPRISONED PERSONS. (a) Defines "wrongfully imprisoned person."

(b) Requires the Texas Department of Criminal Justice (TDCJ) to develop a comprehensive plan to ensure the successful reentry and reintegration of wrongfully imprisoned persons into the community following discharge from TDCJ. Requires that the reentry and reintegration plan developed under this section include life-skills, job, and vocational training for a wrongfully imprisoned person following discharge, for as long as those services are beneficial to the person; a requirement that TDCJ provide, before a wrongfully imprisoned person is discharged from TDCJ, the person with any documents that are necessary after discharge, including a state identification card; and the provision of financial assistance to aid a wrongfully imprisoned person in the reentry and reintegration process and in covering living expenses following discharge, in an amount not to exceed \$10,000.

(c) Requires that the amount of financial assistance provided to a wrongfully imprisoned person under Subsection (b)(3) be deducted from the amount of compensation provided to the person under Section 103.052 (Amount and Timing of Compensation), Civil Practice and Remedies Code; or any damages awarded to the person under Section 103.105 (Damages) of that code.

(d) Authorizes TDCJ to contract with private vendors or other entities to implement the comprehensive reentry and reintegration plan required by this section.

SECTION 2. Amends Chapter 614, Health and Safety Code, by adding Section 614.021, as follows:

Sec. 614.021. SERVICES FOR WRONGFULLY IMPRISONED PERSONS. (a) Defines "wrongfully imprisoned person."

(b) Requires the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) to develop a plan for meeting the long-term treatment and rehabilitative needs of wrongfully imprisoned persons who are discharged from TDCJ. Requires that the plan provide for certain health-related services for certain periods of time.

(c) Requires TCOOMMI to distribute to state agencies, political subdivisions, private organizations, and other qualified persons money appropriated by the legislature to be used for the development, operation, provision, and evaluation of medical, mental health, dental, and counseling services for wrongfully imprisoned persons under this section.

SECTION 3. (a) Requires TDCJ, as soon as practicable after the effective date of this Act, to develop a comprehensive plan for the reentry and reintegration of wrongfully imprisoned persons as required by Section 501.091, Government Code, as added by this Act.

(b) Requires TCOOMMI, as soon as practicable after the effective date of this Act, to develop a plan for meeting the long-term treatment and rehabilitative needs of wrongfully imprisoned persons as required by Section 614.021, Health and Safety Code, as added by this Act.

SECTION 4. Effective date: upon passage or September 1, 2009.