

BILL ANALYSIS

Senate Research Center
83R529 TJS-D

S.B. 110
By: West
State Affairs
4/3/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current Texas statutes regarding compensation for a person wrongfully convicted include a clause that limits eligibility to file for compensation to three years after a pardon is granted or the subject is otherwise granted relief on the basis of innocence.

It is not known the exact number of persons who were convicted of an offense, sentenced to and served time in a Texas penal institution, who later had their convictions pardoned or whose convictions were later overturned due to innocence, who would otherwise be eligible for compensation if not for the limits of the eligibility requirement.

Texas statutes that provide compensation to persons who were wrongfully convicted were created by the Texas Legislature in 2001 and have been updated since, most recently by the 81st Legislature. But anyone who was exonerated or received a pardon for a wrongful conviction more than three years before these laws went into effect is ineligible for compensation.

S.B. 110 provides eligibility for persons who were wrongfully convicted, imprisoned and subsequently exonerated and or pardoned, whose cases occurred prior to the enactment of current state statutes on wrongful conviction compensation.

S.B. 110 repeals Section 103.003 of the Civil Practices and Remedies Code that outlines the limitations on compensation eligibility.

As proposed, S.B. 110 amends current law relating to eligibility to file for compensation by persons wrongfully imprisoned.

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. Repealer: Section 103.003 (Limitation on Time to File), Civil Practice and Remedies Code.

SECTION 2. Amends Section 103.054, Civil Practice and Remedies Code, as follows:

Sec. 103.054. PAYMENT OF CERTAIN TUITION AND FEES. Requires that, if requested by the claimant before the seventh anniversary of the date the claimant received the pardon or was granted relief as required by Section 103.001 (Claimants Entitled to Compensation and Health Benefits Coverage), rather than the relevant date described by Section 103.003, tuition for up to 120 credit hours, including tuition charged under Section 54.0513 (Designated Tuition), Education Code, or any other law granting an educational institution discretion to set the tuition rate, and any mandatory fees associated with attendance at the institution, charged by a career center or public institution of higher education be paid on behalf of the claimant.

SECTION 3. Effective date: upon passage or September 1, 2013.