

BILL ANALYSIS

Senate Research Center
83R23565 TJS-D

C.S.S.B. 110
By: West
State Affairs
4/22/2013
Committee Report (Substituted)

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.

C.S.S.B. 110 amends current law relating to eligibility for compensation of 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. Amends Section 103.001, Civil Practices and Remedies Code, by adding Subsection (f), to provide that a person is not entitled to compensation under Subsection (a) (relating to entitling a person to compensation if certain conditions are met) or group health benefit plan coverage under Subsection (d) (relating to providing that a person entitled to compensation under Subsection (a) is also eligible to obtain group health benefit plan coverage through the Texas Department of Criminal Justice as if the person were an employee of the department) for any part of a sentence in prison during which the person was also serving a concurrent sentence for another wrongful conviction for which the person has already received compensation under Subsection (a) or group health plan coverage under Subsection (d).

SECTION 2. Amends Section 103.003, Civil Practice and Remedies Code, as follows:

Sec. 103.003. LIMITATION ON TIME TO FILE. (a) Creates this subsection from existing text. Requires a person seeking compensation under this chapter to file an application with the comptroller of public accounts of the State of Texas (comptroller) for compensation under Subchapter B (Administrative Proceeding) not later than the third anniversary of the date the person on whose imprisonment the claim is based received a pardon as provided by Section 103.001(a)(2)(A) (relating to entitling a person to compensation if the person has received a full pardon on the basis of innocence for the crime for which the person was sentenced); the person's application for a writ of habeas corpus was granted as provided by Section 103.001(a)(2)(B) (relating to entitling a person to compensation if the person has been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually

innocent of the crime for which the person was sentenced); or an order of dismissal described by Section 103.001(a)(2)(C) (relating to entitling a person to compensation if the person has been granted relief in accordance with a writ of habeas corpus) was signed.

(b) Authorizes a person seeking compensation under this chapter who received the pardon or was granted relief as described by Subsection (a) before September 1, 1998, notwithstanding Subsection (a), to file an application with the comptroller for compensation under Subchapter B not later than September 1, 2016. Provides that this subsection expires September 2, 2016.

SECTION 3. Effective date: September 1, 2013.