

Amend CSHB 2233 by adding a new Section ____ to read as follows and renumbering the subsequent sections accordingly:

SECTION __. Section 103.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.002. CHOICE OF COMPENSATION METHOD; DOUBLE RECOVERY PROHIBITED. (a) A person entitled to compensation under Section 103.001 may proceed by following the provisions for administratively awarded compensation under Subchapter B, ~~[or]~~ by filing suit under Subchapter C, or by proceeding ~~[but a person may not seek compensation]~~ under both Subchapters B and C.

(b) The court shall reduce the amount of compensation that a person is awarded under Subchapter C by the amount of any compensation that, before the date of the court award, was paid or was scheduled to be paid to the person under Subchapter B for the same wrongful imprisonment.

(c) The comptroller shall reduce the amount of compensation that a person is awarded under Subchapter B by the amount of any compensation that, before the date of the administrative award, was paid or was scheduled to be paid to the person as a result of an award or settlement in a suit filed under Subchapter C for the same wrongful imprisonment.

(d) If under Subsection (b) or (c) the amount of the reduction is equal to or greater than the amount of the compensation being reduced, the court or the comptroller, as applicable, may not award additional compensation.

SECTION __. Section 103.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.003. LIMITATION ON TIME TO FILE. (a) Not later than the third anniversary of the date the person received the pardon or was found not guilty as required by Section 103.001, a person seeking compensation under this chapter must:

(1) file an application with the comptroller for compensation under Subchapter B; or

(2) file suit against the state for compensation under Subchapter C.

(b) The filing of an application for compensation under Subchapter B tolls the limitation period that is provided by

Subsection (a)(2) and that is applicable to a suit filed under Subchapter C by the same person for the same wrongful imprisonment until the date the comptroller makes a determination under Section 103.051(c).

SECTION __. Section 103.052, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] person who meets the requirements of Section 103.001 is entitled to compensation in an amount equal to \$50,000[+]

~~[(1) \$25,000] multiplied by the number of years served in prison, expressed as a fraction to reflect partial years[, if the time served is less than 20 years, or~~

~~[(2) \$500,000 if the time served is 20 years or more].~~

(a-1) A person sentenced to death who meets the requirements of Section 103.001 is entitled to compensation in an amount equal to \$100,000 multiplied by the number of years served in prison, expressed as a fraction to reflect partial years.

SECTION __. Subsection (b), Section 103.153, Civil Practice and Remedies Code, is amended to read as follows:

(b) Except as provided by Section 103.002, a [A] person who receives compensation under this chapter may not bring any action involving the same subject matter, including an action involving the person's arrest, conviction, or length of confinement, against any governmental unit or an employee of any governmental unit.

SECTION __. Subsection (c), Section 103.105, Civil Practice and Remedies Code, is repealed.

SECTION __. (a) The change in law made by this Act to Section 103.052, Civil Practice and Remedies Code, applies to an administrative proceeding for compensation for wrongful imprisonment for which the application is filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date of the filing, and that law is continued in effect for that purpose.

(b) The change in law made by this Act to Section 103.105, Civil Practice and Remedies Code, applies to an action:

(1) commenced on or after the effective date of this Act; or

(2) pending on that effective date and in which the trial, or any new trial or retrial following motion, appeal, or otherwise, begins on or after that effective date.

(c) In an action commenced before the effective date of this Act, a trial, new trial, or retrial that is in progress on the effective date is governed by the law applicable to the trial, new trial, or retrial immediately before the effective date, and that law is continued in effect for that purpose.

SECTION __. The changes in law made by this Act to Sections 103.002 and 103.003, Civil Practice and Remedies Code, apply without regard to whether a person has filed an application under Subchapter B, Chapter 103, Civil Practice and Remedies Code, or has commenced an action under Subchapter C, Chapter 103, Civil Practice and Remedies Code, before the effective date of this Act.

SECTION __. The changes to Section 103 of the Civil Practices and Remedies Code in this Act take effect September 1, 2007.