

By: Ellis

S.B. No. 87

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the administrative procedure for compensation for
3 wrongful imprisonment.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 103.051(a), Civil Practice and Remedies
6 Code, is amended to read as follows:

7 (a) To apply for compensation under this subchapter, the
8 claimant must file with the comptroller's judiciary section:

9 (1) an application for compensation provided for that
10 purpose by the comptroller;

11 (2) a verified copy of the pardon or court order
12 justifying the application for compensation; and

13 (3) a statement provided by the Texas Department of
14 Criminal Justice verifying the length of incarceration[~~, and~~

15 [~~(4) a certification of the claimant's actual
16 innocence of the crime for which the claimant was sentenced that is
17 signed by the attorney representing the state in the prosecution of
18 felonies in the county in which the sentence was rendered].~~

19 SECTION 2. The change in law made by this Act applies only
20 to an application for compensation under Section 103.051, Civil
21 Practice and Remedies Code, that is filed on or after the effective
22 date of this Act. An application filed before the effective date of
23 this Act is governed by the law as it existed on the date of filing,
24 and that law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.