

1-1 By: Ellis, Lucio, Van de Putte S.B. No. 87
1-2 (In the Senate - Filed November 15, 2004; January 31, 2005,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 23, 2005, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; March 23, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the administrative procedure for compensation for
1-9 wrongful imprisonment.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 103.051, Civil Practice
1-12 and Remedies Code, is amended to read as follows:

1-13 (a) To apply for compensation under this subchapter, the
1-14 claimant must file with the comptroller's judiciary section:

1-15 (1) an application for compensation provided for that
1-16 purpose by the comptroller;

1-17 (2) a verified copy of the pardon or court order
1-18 justifying the application for compensation; and

1-19 (3) a statement provided by the Texas Department of
1-20 Criminal Justice verifying the length of incarceration[~~and~~

1-21 [~~(4) a certification of the claimant's actual
1-22 innocence of the crime for which the claimant was sentenced that is
1-23 signed by the attorney representing the state in the prosecution of
1-24 felonies in the county in which the sentence was rendered].~~

1-25 SECTION 2. The change in law made by this Act applies only
1-26 to an application for compensation under Section 103.051, Civil
1-27 Practice and Remedies Code, that is filed on or after the effective
1-28 date of this Act. An application filed before the effective date of
1-29 this Act is governed by the law as it existed on the date of filing,
1-30 and that law is continued in effect for that purpose.

1-31 SECTION 3. This Act takes effect immediately if it receives
1-32 a vote of two-thirds of all the members elected to each house, as
1-33 provided by Section 39, Article III, Texas Constitution. If this
1-34 Act does not receive the vote necessary for immediate effect, this
1-35 Act takes effect September 1, 2005.

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