

BILL ANALYSIS

S.B. 167
By: Ellis
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a claimant seeking compensation for wrongful imprisonment is required to obtain a certification of actual innocence signed by the district attorney in the case. This creates an unnecessary obstacle to victims of wrongful incarceration gaining access to the resources necessary to help them put their lives back together. Many district attorneys have expressed the desire to have this requirement removed because they are reluctant to sign such certification due to various political pressures and the potential for increased exposure to litigation. This requirement, added during the 78th Legislative Session, has prevented, or unnecessarily delayed, many innocent individuals from receiving the compensation they deserve.

S.B. 167 amends the Civil Practice and Remedies Code to remove the requirement that certification of innocence, signed by a district attorney, be obtained by a claimant for compensation as a qualified victim of wrongful imprisonment in order for the claimant to receive compensation and adds that only the verified copy of the pardon or court order filed by the claimant under Section 103.051(a), Civil Practice and Remedies Code, will be considered.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Senate Bill 167 amends Section 103.051(a), Civil Practice and Remedies Code, by deleting the requirement that a claimant, to apply for compensation under this subchapter (Payments and Limitations), must file with the comptroller's judiciary section a certification of the claimant's actual innocence of the crime for which the claimant was sentenced that is signed by the attorney representing the state in felony prosecutions in the county in which the sentence was rendered.

The bill amends Section 103.051, Civil Practice and Remedies Code, by adding Subsection (b-1) which requires the comptroller to consider only the verified copy of the pardon or court order filed by the claimant under Section 103.051(a), Civil Practice and Remedies Code, in determining the eligibility of a claimant. If the pardon or court order does not clearly indicate on its face that the pardon or the court order was granted or rendered on the basis of the claimant's actual innocence of the crime for which the claimant was sentenced, the comptroller must deny the claim. The comptroller's duty to determine the eligibility of a claimant under this section is purely ministerial.

Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.