

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 167  
By: Ellis  
Criminal Justice  
3/21/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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.

C.S.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.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 103.051(a), Civil Practice and Remedies Code, by amending Subsection (a) and adding Subsection (b-1), as follows:

(a) Deletes the requirement that a claimant, for compensation under this subchapter (Payments and Limitations), file with the comptroller of public account's (comptroller) 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.

(b-1) Requires the comptroller to consider only the verified copy of the pardon or court order filed by the claimant under Subsection (a) in determining the eligibility of a claimant. Requires the comptroller to deny the claim 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. Provides that the comptroller's duty to determine the eligibility of a claimant under this section is purely ministerial.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.