

BILL ANALYSIS

S.B. 262
By: Ellis
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes compensation for wrongful imprisonment in an amount of \$25,000 per year imprisoned, capped at \$500,000 total. Individuals who are wrongfully imprisoned face numerous obstacles upon release from prison. There is a general lack of state services to help these people overcome these obstacles. Texas can take an important step towards helping the victims of wrongful imprisonment rebuild their lives by increasing this compensation.

S.B. 262, in accordance with the Governor's Criminal Justice Advisory Council 2006 Recommendations, raises the amount a person receives upon release from prison due to the person's wrongful imprisonment from \$25,000 to \$50,000 per year imprisoned, or \$100,000 per year imprisoned if the person is sentenced to death. The bill also eliminates the \$500,000 cap on the amount that a wrongfully imprisoned person is authorized to receive.

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

SECTION 1. Amends Section 103.052, Civil Practice and Remedies Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Except as provided by Subsection (a-1), the bill entitles a person who meets the requirements of Section 103.001 to compensation in an amount equal to \$50,000 multiplied by the number of years served in prison, expressed as a fraction to reflect partial years. The bill deletes existing text establishing the amount at \$25,000 per year or \$500,000 if the time served is 20 years or more. Makes a nonsubstantive change.

(a-1) Entitles a person sentenced to death who meets the requirements of Section 103.001 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 2. Section 103.105(c) (regarding the \$500,000 limit on damages assessed under Subchapter C), Civil Practice and Remedies Code, is repealed.

SECTION 3. (a) Makes application of Section 103.052, Civil Practice and Remedies Code, as added by this Act, prospective.

(b) Applies the changes made by this Act to Section 103.105, Civil Practice and Remedies Code, to an action commenced on or after the Act's effective date or an action pending on the effective date and in which the trial, 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 Act's effective date is governed by the law applicable to it immediately before the effective date, and that law is continued in effect for that purpose.

SECTION 4. Effective date: upon passage or September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.