

AN ACT

relating to certain payments to or on behalf of persons wrongfully imprisoned.

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

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

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

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

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

(3) a statement provided by the Texas Department of Criminal Justice verifying the length of incarceration; ~~and~~

(4) 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 the prosecution of felonies in the county in which the sentence was rendered; and

(5) if the claimant is applying for compensation under Section 103.052(a)(2), a certified copy of each child support order under which child support payments became due during the time the claimant served in prison and copies of the official child support payment records described by Section 234.009, Family Code, for that period.

1 SECTION 2. Section 103.052, Civil Practice and Remedies  
2 Code, is amended by amending Subsections (a) and (b) and adding  
3 Subsections (a-1) and (d) to read as follows:

4 (a) A person who meets the requirements of Section 103.001  
5 is entitled to compensation in an amount equal to:

6 (1) \$50,000 [~~\$25,000~~] multiplied by the number of  
7 years served in prison, expressed as a fraction to reflect partial  
8 years; and [~~, if the time served is less than 20 years; or~~]

9 (2) compensation for child support payments owed by  
10 the person that became due and interest on child support arrearages  
11 that accrued during the time served in prison but were not paid  
12 [~~\$500,000 if the time served is 20 years or more~~].

13 (a-1) Notwithstanding Subsection (a)(1), a person sentenced  
14 to death who meets the requirements of Section 103.001 is entitled  
15 to compensation in an amount equal to \$100,000 multiplied by the  
16 number of years served in prison, expressed as a fraction to reflect  
17 partial years.

18 (b) A person who is owed an amount of compensation under  
19 Subsection (a)(1) or (a-1) equal to or greater than \$50,000 shall be  
20 paid that compensation in two equal annual installments.

21 (d) The amount of compensation under Subsection (a)(2) to  
22 which a person is entitled shall be paid on the person's behalf in a  
23 lump-sum payment to the state disbursement unit, as defined by  
24 Section 101.0302, Family Code, for distribution to the obligee  
25 under the child support order.

26 SECTION 3. Subchapter C, Chapter 103, Civil Practice and  
27 Remedies Code, is amended by adding Section 103.1041 to read as

1 follows:

2 Sec. 103.1041. REQUIRED EVIDENCE. A claimant who brings a  
3 suit under this subchapter for compensation under Section  
4 103.052(a)(2) must submit to the court as evidence a certified copy  
5 of each child support order under which child support payments  
6 became due during the time the claimant served in prison and copies  
7 of the official child support payment records described by Section  
8 234.009, Family Code, for that period.

9 SECTION 4. Sections 103.105(a) and (c), Civil Practice and  
10 Remedies Code, are amended to read as follows:

11 (a) If the trier of fact finds that the petitioner is  
12 entitled to compensation, the petitioner is entitled to:

13 (1) expenses incurred by the petitioner in connection  
14 with all associated criminal proceedings and appeals and in  
15 connection with obtaining the petitioner's discharge from  
16 imprisonment, including any fine or court costs paid and reasonable  
17 attorney's fees, including reasonable attorney's fees for  
18 prosecuting the lawsuit under this subchapter;

19 (2) wages, salary, or other earned income that was  
20 lost as a direct result of the arrest, prosecution, conviction, or  
21 wrongful imprisonment; ~~and~~

22 (3) medical and counseling expenses incurred by the  
23 petitioner as a direct result of the arrest, prosecution,  
24 conviction, or wrongful imprisonment; and

25 (4) child support payments owed by the petitioner that  
26 became due and interest on child support arrearages that accrued  
27 during the time served in prison but were not paid.

1 (c) Excluding the amount of child support payments and  
2 interest on child support arrearages under Subsection (a)(4), total  
3 ~~[Total]~~ damages assessed under this subchapter may not exceed  
4 \$500,000.

5 SECTION 5. Sections 103.151(a) and (c), Civil Practice and  
6 Remedies Code, are amended to read as follows:

7 (a) The comptroller shall make the first installment  
8 payment due an applicant and the lump-sum payment, if any, to be  
9 paid to the state disbursement unit, as defined by Section  
10 101.0302, Family Code, under Subchapter B, to the extent that funds  
11 are available and appropriated for that purpose, not later than the  
12 30th day after the date the comptroller grants the application.

13 (c) If appropriated funds are insufficient to pay the amount  
14 due an applicant and the amount to be paid to the state disbursement  
15 unit, as defined by Section 101.0302, Family Code, money shall be  
16 paid under the procedure described by Section 103.152.

17 SECTION 6. Section 103.152, Civil Practice and Remedies  
18 Code, is amended to read as follows:

19 Sec. 103.152. PAYMENT OF COMPENSATION. (a) Not later than  
20 November 1 of each even-numbered year, the comptroller shall  
21 provide a list of claimants entitled to payment under Subchapter B  
22 or C and the amounts due for each claimant to the governor, the  
23 lieutenant governor, and the chair of the appropriate committee in  
24 each house of the legislature so that the legislature may  
25 appropriate the amount needed to pay the amount owed to each  
26 claimant and the amount to be paid to the state disbursement unit,  
27 as defined by Section 101.0302, Family Code, on the claimant's

1 behalf [~~the amount owed~~].

2 (b) Not later than September 1 of the year in which an  
3 appropriation under this chapter has been made by the legislature,  
4 the comptroller shall pay the required amount to each claimant and  
5 the state disbursement unit, as defined by Section 101.0302, Family  
6 Code.

7 (c) The amount of compensation awarded under Section  
8 103.105(a)(4) must be paid on the claimant's behalf in a lump-sum  
9 payment to the state disbursement unit, as defined by Section  
10 101.0302, Family Code, for distribution to the obligee under the  
11 child support order.

12 SECTION 7. Section 103.154, Civil Practice and Remedies  
13 Code, is amended to read as follows:

14 Sec. 103.154. TERMINATION OF PAYMENTS. (a) Except as  
15 provided by Subsection (c), compensation [~~Compensation~~] payments  
16 to a person under this chapter terminate if, after the date the  
17 person becomes eligible for compensation under Section 103.001, the  
18 person is convicted of a crime punishable as a felony. Compensation  
19 payments terminate under this subsection on the date of the  
20 subsequent conviction.

21 (b) Except as provided by Subsection (c), compensation  
22 [~~Compensation~~] payments to a person under this chapter terminate on  
23 the date of the person's death. Any payments scheduled to be paid  
24 after that date are credited to the state and may not be paid to any  
25 other person, including the person's surviving spouse, heirs,  
26 devisees, or beneficiaries under the person's will, or to the  
27 person's estate.

1        (c) This section does not apply to compensation for child  
2 support payments and interest on child support arrearages to be  
3 paid on a person's behalf under this chapter to the state  
4 disbursement unit, as defined by Section 101.0302, Family Code.

5        SECTION 8. Section 103.105(c), Civil Practice and Remedies  
6 Code, is repealed.

7        SECTION 9. (a) Except as provided by Subsection (b) of this  
8 section, the changes in law made by this Act apply to an action or  
9 application for compensation under Chapter 103, Civil Practice and  
10 Remedies Code, as amended by this Act, that is pending or commenced  
11 on or after the effective date of this Act.

12        (b) Sections 103.052(a)(1) and (a-1), Civil Practice and  
13 Remedies Code, as amended and added, respectively, by this Act,  
14 apply to an administrative proceeding for compensation for wrongful  
15 imprisonment for which the application is filed on or after the  
16 effective date of this Act. An application filed before the  
17 effective date of this Act is governed by the law in effect on the  
18 date of the filing, and that law is continued in effect for that  
19 purpose.

20        SECTION 10. This Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 814 was passed by the House on April 26, 2007, by the following vote: Yeas 136, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 814 on May 25, 2007, by the following vote: Yeas 135, Nays 6, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 814 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 29, Nays 2.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor