

By: Ellis

S.B. No. 167

A BILL TO BE ENTITLED

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AN ACT

relating to the administrative procedure for compensation for wrongful imprisonment.

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

SECTION 1. Section 103.051, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsection (b-1) 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; and

(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].~~

(b-1) In determining the eligibility of a claimant, the comptroller shall consider only the verified copy of the pardon or court order filed by the claimant under Subsection (a). 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

1 the claimant's actual innocence of the crime for which the claimant
2 was sentenced, the comptroller shall deny the claim. The
3 comptroller's duty to determine the eligibility of a claimant under
4 this section is purely ministerial.

5 SECTION 2. The change in law made by this Act applies only
6 to an application for compensation under Section 103.051, Civil
7 Practice and Remedies Code, that is filed on or after the effective
8 date of this Act. An application filed before the effective date of
9 this Act is governed by the law as it existed on the date of filing,
10 and that law is continued in effect for that purpose.

11 SECTION 3. This Act takes effect September 1, 2007.