

1-1 By: Ellis S.B. No. 167  
1-2 (In the Senate - Filed January 5, 2007; January 29, 2007,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 26, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; March 26, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 167 By: Seliger

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the administrative procedure for compensation for  
1-11 wrongful imprisonment.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 103.051, Civil Practice and Remedies  
1-14 Code, is amended by amending Subsection (a) and adding Subsection  
1-15 (b-1) to read as follows:

1-16 (a) To apply for compensation under this subchapter, the  
1-17 claimant must file with the comptroller's judiciary section:

1-18 (1) an application for compensation provided for that  
1-19 purpose by the comptroller;

1-20 (2) a verified copy of the pardon or court order  
1-21 justifying the application for compensation; and

1-22 (3) a statement provided by the Texas Department of  
1-23 Criminal Justice verifying the length of incarceration~~;~~ and

1-24 ~~[(4) a certification of the claimant's actual  
1-25 innocence of the crime for which the claimant was sentenced that is  
1-26 signed by the attorney representing the state in the prosecution of  
1-27 felonies in the county in which the sentence was rendered].~~

1-28 (b-1) In determining the eligibility of a claimant, the  
1-29 comptroller shall consider only the verified copy of the pardon or  
1-30 court order filed by the claimant under Subsection (a). If the  
1-31 pardon or court order does not clearly indicate on its face that the  
1-32 pardon or the court order was granted or rendered on the basis of  
1-33 the claimant's actual innocence of the crime for which the claimant  
1-34 was sentenced, the comptroller shall deny the claim. The  
1-35 comptroller's duty to determine the eligibility of a claimant under  
1-36 this section is purely ministerial.

1-37 SECTION 2. The change in law made by this Act applies only  
1-38 to an application for compensation under Section 103.051, Civil  
1-39 Practice and Remedies Code, that is filed on or after the effective  
1-40 date of this Act. An application filed before the effective date of  
1-41 this Act is governed by the law as it existed on the date of filing,  
1-42 and that law is continued in effect for that purpose.

1-43 SECTION 3. This Act takes effect September 1, 2007.

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