

By: Ellis

S.B. No. 262

A BILL TO BE ENTITLED

AN ACT

relating to compensation for wrongful imprisonment.

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

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

(a) Except as provided by Subsection (a-1), a [A] person who meets the requirements of Section 103.001 is entitled to compensation in an amount equal to \$50,000[+

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

~~[(2) \$500,000 if the time served is 20 years or more].~~

(a-1) A person sentenced to death who meets the requirements of Section 103.001 is entitled 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. Subsection (c), Section 103.105, Civil Practice and Remedies Code, is repealed.

SECTION 3. (a) The change in law made by this Act to Section 103.052, Civil Practice and Remedies Code, applies to an administrative proceeding for compensation for wrongful imprisonment for which the application is filed on or after the effective date of this Act. An application filed before the

1 effective date of this Act is governed by the law in effect on the
2 date of the filing, and that law is continued in effect for that
3 purpose.

4 (b) The change in law made by this Act to Section 103.105,
5 Civil Practice and Remedies Code, applies to an action:

6 (1) commenced on or after the effective date of this
7 Act; or

8 (2) pending on that effective date and in which the
9 trial, or any new trial or retrial following motion, appeal, or
10 otherwise, begins on or after that effective date.

11 (c) In an action commenced before the effective date of this
12 Act, a trial, new trial, or retrial that is in progress on the
13 effective date is governed by the law applicable to the trial, new
14 trial, or retrial immediately before the effective date, and that
15 law is continued in effect for that purpose.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2007.