By: Ellis S.B. No. 262

A BILL TO BE ENTITLED

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- 2 relating to compensation for wrongful imprisonment.
- 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 4 SECTION 1. Section 103.052, Civil Practice and Remedies
- 5 Code, is amended by amending Subsection (a) and adding Subsection
- 6 (a-1) to read as follows:
- 7 (a) Except as provided by Subsection (a-1), a [A] person who
- 8 meets the requirements of Section 103.001 is entitled to
- 9 compensation in an amount equal to \$50,000[+
- 10 $\left[\frac{(1)}{25,000}\right]$ multiplied by the number of years served
- in prison, expressed as a fraction to reflect partial years[, if the
- 12 time served is less than 20 years; or
- [(2) \$500,000 if the time served is 20 years or more].
- 14 (a-1) A person sentenced to death who meets the requirements
- of Section 103.001 is entitled to compensation in an amount equal to
- 16 \$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
- 19 and Remedies Code, is repealed.
- 20 SECTION 3. (a) The change in law made by this Act to
- 21 Section 103.052, Civil Practice and Remedies Code, applies to an
- 22 administrative proceeding for compensation for wrongful
- 23 imprisonment for which the application is filed on or after the
- 24 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.