

BILL ANALYSIS

C.S.S.B. 110
By: West
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides for the payment of compensation to certain persons who have been wrongfully imprisoned but requires a person seeking such compensation to file an application for that compensation not later than three years after a pardon is granted or the person is granted other applicable relief. Concerns have been raised that this limitation on the filing period means that persons who were wrongfully imprisoned but were pardoned or otherwise exonerated more than three years before the law went into effect are ineligible for compensation. C.S.S.B. 110 seeks to address this issue by providing, among other provisions relating to a person's eligibility for compensation for a wrongful imprisonment, for a period in which wrongfully imprisoned persons who were pardoned or granted other relief before a certain date and who have not previously received compensation are authorized to apply for compensation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 110 amends the Civil Practice and Remedies Code to establish that a wrongfully imprisoned person is not entitled to compensation for wrongful imprisonment or to group health benefit plan coverage through the Texas Department of Criminal Justice for any part of a sentence in prison during which the person was also serving a concurrent sentence for another wrongful conviction for which the person has already received compensation or group health plan coverage. The bill adds a temporary provision, set to expire September 2, 2016, to authorize a person seeking compensation for wrongful imprisonment who received a full pardon on the basis of innocence for the crime for which the person was sentenced or was granted other applicable relief before September 1, 1998, and who has not previously received compensation for wrongful imprisonment to file an application with the comptroller of public accounts for compensation not later than September 1, 2016.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 110 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 103.001, Civil Practice and Remedies Code, is amended.

SECTION 2. Section 103.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.003. LIMITATION ON TIME TO FILE. (a) A person seeking compensation under this chapter must file an application with the comptroller for compensation under Subchapter B not later than the third anniversary of the date:

(1) the person on whose imprisonment the claim is based received a pardon as provided by Section 103.001(a)(2)(A);

(2) the person's application for a writ of habeas corpus was granted as provided by Section 103.001(a)(2)(B); or

(3) an order of dismissal described by Section 103.001(a)(2)(C) was signed.

(b) Notwithstanding Subsection (a), a person seeking compensation under this chapter who received the pardon or was granted relief as described by Subsection (a) before September 1, 1998, may file an application with the comptroller for compensation under Subchapter B not later than September 1, 2016. This subsection expires September 2, 2016.

SECTION 3. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version.

SECTION 2. Section 103.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.003. LIMITATION ON TIME TO FILE. (a) A person seeking compensation under this chapter must file an application with the comptroller for compensation under Subchapter B not later than the third anniversary of the date:

(1) the person on whose imprisonment the claim is based received a pardon as provided by Section 103.001(a)(2)(A);

(2) the person's application for a writ of habeas corpus was granted as provided by Section 103.001(a)(2)(B); or

(3) an order of dismissal described by Section 103.001(a)(2)(C) was signed.

(b) Notwithstanding Subsection (a), a person seeking compensation under this chapter who received the pardon or was granted relief as described by Subsection (a) before September 1, 1998, and who has not previously received compensation under this chapter or under Chapter 507 (H.B. 904), Acts of the 59th Legislature, Regular Session, 1965 (Article 6252-25, Vernon's Texas Civil Statutes), which was codified as this chapter effective September 1, 1985, may file an application with the comptroller for compensation under Subchapter B not later than September 1, 2016. This subsection expires September 2, 2016.

SECTION 3. Same as engrossed version.