87R2602 JES-D

By:  Crockett H.B. No. 3950

A BILL TO BE ENTITLED

AN ACT

relating to the determination of a person's eligibility to receive compensation for wrongful imprisonment.

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

SECTION 1.  Section 103.001(a), Civil Practice and Remedies Code, is amended to read as follows:

(a)  A person is entitled to compensation if:

(1)  the person has served in whole or in part a sentence in prison under the laws of this state; and

(2)  the person:

(A)  has received a full pardon on the basis of innocence for the crime for which the person was sentenced;

(B)  has been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of the crime for which the person was sentenced; or

(C)  has been granted relief in accordance with a writ of habeas corpus and:

(i)  the state district court in which the charge against the person was pending has entered an order, including an amended order, dismissing the charge; and

(ii)  the district court's dismissal order is based on a motion to dismiss in which the state's attorney states that no credible evidence exists that inculpates the defendant and, either in the motion or in an affidavit, the state's attorney states that the state's attorney believes that the defendant is actually innocent of the crime for which the person was sentenced.

SECTION 2.  Section 103.051, Civil Practice and Remedies Code, is amended by adding Subsection (b-2) to read as follows:

(b-2)  In determining the eligibility of a claimant, the comptroller may not:

(1)  consider whether a court finding or determination that the claimant is actually innocent was made by a court with jurisdiction to make that finding or determination;

(2)  deny an application on the basis of a denial of a previous application by the same claimant, if the application is supported by a new or amended court order or other change in the claimant's documentation; or

(3)  deny an application based on the comptroller's determination of the legal sufficiency of the claimant's pardon, court order, motion to dismiss, or affidavit.

SECTION 3.  The amendments made by this Act to Chapter 103, Civil Practice and Remedies Code, are intended to clarify rather than change existing law.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.