

By: Crockett

H.B. No. 3950

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the determination of a person's eligibility to receive
3 compensation for wrongful imprisonment.

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

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

7 (a) A person is entitled to compensation if:

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

10 (2) the person:

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

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

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

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

22 (ii) the district court's dismissal order
23 is based on a motion to dismiss in which the state's attorney states
24 that no credible evidence exists that inculcates the defendant and,

1 either in the motion or in an affidavit, the state's attorney states
2 that the state's attorney believes that the defendant is actually
3 innocent of the crime for which the person was sentenced.

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

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

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

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

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

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

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