By: Little H.B. No. 1083

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for compensation of persons wrongfully imprisoned.

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; or

(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 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 103.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.003. LIMITATION ON TIME TO FILE. 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); or

(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~~].

SECTION 3. Section 103.001, Civil Practice and Remedies Code, as amended by this Act, applies only to the making of an annuity payment or other payment or the provision of health or other benefits under that chapter on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2027.