

AN ACT

relating to certain payments to or on behalf of persons wrongfully imprisoned.

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

SECTION 1. Section 103.051(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) To apply for compensation under this subchapter, the claimant must file with the comptroller's judiciary section:

(1) an application for compensation provided for that purpose by the comptroller;

(2) a verified copy of the pardon or court order justifying the application for compensation;

(3) a statement provided by the Texas Department of Criminal Justice verifying the length of incarceration; ~~and~~

(4) a certification of the claimant's actual innocence of the crime for which the claimant was sentenced that is signed by the attorney representing the state in the prosecution of felonies in the county in which the sentence was rendered; and

(5) if the claimant is applying for compensation under Section 103.052(a)(2), a certified copy of each child support order under which child support payments became due during the time the claimant served in prison and copies of the official child support payment records described by Section 234.009, Family Code, for that period.

1 SECTION 2. Section 103.052, Civil Practice and Remedies
2 Code, is amended by amending Subsections (a) and (b) and adding
3 Subsections (a-1) and (d) to read as follows:

4 (a) A person who meets the requirements of Section 103.001
5 is entitled to compensation in an amount equal to:

6 (1) \$50,000 [~~\$25,000~~] multiplied by the number of
7 years served in prison, expressed as a fraction to reflect partial
8 years; and [~~, if the time served is less than 20 years, or~~]

9 (2) compensation for child support payments owed by
10 the person that became due and interest on child support arrearages
11 that accrued during the time served in prison but were not paid
12 [~~\$500,000 if the time served is 20 years or more~~].

13 (a-1) Notwithstanding Subsection (a)(1), a person sentenced
14 to death who meets the requirements of Section 103.001 is entitled
15 to compensation in an amount equal to \$100,000 multiplied by the
16 number of years served in prison, expressed as a fraction to reflect
17 partial years.

18 (b) A person who is owed an amount of compensation under
19 Subsection (a)(1) or (a-1) equal to or greater than \$50,000 shall be
20 paid that compensation in two equal annual installments.

21 (d) The amount of compensation under Subsection (a)(2) to
22 which a person is entitled shall be paid on the person's behalf in a
23 lump-sum payment to the state disbursement unit, as defined by
24 Section 101.0302, Family Code, for distribution to the obligee
25 under the child support order.

26 SECTION 3. Subchapter C, Chapter 103, Civil Practice and
27 Remedies Code, is amended by adding Section 103.1041 to read as

1 follows:

2 Sec. 103.1041. REQUIRED EVIDENCE. A claimant who brings a
3 suit under this subchapter for compensation under Section
4 103.052(a)(2) must submit to the court as evidence a certified copy
5 of each child support order under which child support payments
6 became due during the time the claimant served in prison and copies
7 of the official child support payment records described by Section
8 234.009, Family Code, for that period.

9 SECTION 4. Sections 103.105(a) and (c), Civil Practice and
10 Remedies Code, are amended to read as follows:

11 (a) If the trier of fact finds that the petitioner is
12 entitled to compensation, the petitioner is entitled to:

13 (1) expenses incurred by the petitioner in connection
14 with all associated criminal proceedings and appeals and in
15 connection with obtaining the petitioner's discharge from
16 imprisonment, including any fine or court costs paid and reasonable
17 attorney's fees, including reasonable attorney's fees for
18 prosecuting the lawsuit under this subchapter;

19 (2) wages, salary, or other earned income that was
20 lost as a direct result of the arrest, prosecution, conviction, or
21 wrongful imprisonment; ~~and~~

22 (3) medical and counseling expenses incurred by the
23 petitioner as a direct result of the arrest, prosecution,
24 conviction, or wrongful imprisonment; and

25 (4) child support payments owed by the petitioner that
26 became due and interest on child support arrearages that accrued
27 during the time served in prison but were not paid.

1 (c) Excluding the amount of child support payments and
2 interest on child support arrearages under Subsection (a)(4), total
3 ~~[Total]~~ damages assessed under this subchapter may not exceed
4 \$500,000.

5 SECTION 5. Sections 103.151(a) and (c), Civil Practice and
6 Remedies Code, are amended to read as follows:

7 (a) The comptroller shall make the first installment
8 payment due an applicant and the lump-sum payment, if any, to be
9 paid to the state disbursement unit, as defined by Section
10 101.0302, Family Code, under Subchapter B, to the extent that funds
11 are available and appropriated for that purpose, not later than the
12 30th day after the date the comptroller grants the application.

13 (c) If appropriated funds are insufficient to pay the amount
14 due an applicant and the amount to be paid to the state disbursement
15 unit, as defined by Section 101.0302, Family Code, money shall be
16 paid under the procedure described by Section 103.152.

17 SECTION 6. Section 103.152, Civil Practice and Remedies
18 Code, is amended to read as follows:

19 Sec. 103.152. PAYMENT OF COMPENSATION. (a) Not later than
20 November 1 of each even-numbered year, the comptroller shall
21 provide a list of claimants entitled to payment under Subchapter B
22 or C and the amounts due for each claimant to the governor, the
23 lieutenant governor, and the chair of the appropriate committee in
24 each house of the legislature so that the legislature may
25 appropriate the amount needed to pay the amount owed to each
26 claimant and the amount to be paid to the state disbursement unit,
27 as defined by Section 101.0302, Family Code, on the claimant's

1 behalf [~~the amount owed~~].

2 (b) Not later than September 1 of the year in which an
3 appropriation under this chapter has been made by the legislature,
4 the comptroller shall pay the required amount to each claimant and
5 the state disbursement unit, as defined by Section 101.0302, Family
6 Code.

7 (c) The amount of compensation awarded under Section
8 103.105(a)(4) must be paid on the claimant's behalf in a lump-sum
9 payment to the state disbursement unit, as defined by Section
10 101.0302, Family Code, for distribution to the obligee under the
11 child support order.

12 SECTION 7. Section 103.154, Civil Practice and Remedies
13 Code, is amended to read as follows:

14 Sec. 103.154. TERMINATION OF PAYMENTS. (a) Except as
15 provided by Subsection (c), compensation [~~Compensation~~] payments
16 to a person under this chapter terminate if, after the date the
17 person becomes eligible for compensation under Section 103.001, the
18 person is convicted of a crime punishable as a felony. Compensation
19 payments terminate under this subsection on the date of the
20 subsequent conviction.

21 (b) Except as provided by Subsection (c), compensation
22 [~~Compensation~~] payments to a person under this chapter terminate on
23 the date of the person's death. Any payments scheduled to be paid
24 after that date are credited to the state and may not be paid to any
25 other person, including the person's surviving spouse, heirs,
26 devisees, or beneficiaries under the person's will, or to the
27 person's estate.

1 (c) This section does not apply to compensation for child
2 support payments and interest on child support arrearages to be
3 paid on a person's behalf under this chapter to the state
4 disbursement unit, as defined by Section 101.0302, Family Code.

5 SECTION 8. Section 103.105(c), Civil Practice and Remedies
6 Code, is repealed.

7 SECTION 9. (a) Except as provided by Subsection (b) of this
8 section, the changes in law made by this Act apply to an action or
9 application for compensation under Chapter 103, Civil Practice and
10 Remedies Code, as amended by this Act, that is pending or commenced
11 on or after the effective date of this Act.

12 (b) Sections 103.052(a)(1) and (a-1), Civil Practice and
13 Remedies Code, as amended and added, respectively, by this Act,
14 apply to an administrative proceeding for compensation for wrongful
15 imprisonment for which the application is filed on or after the
16 effective date of this Act. An application filed before the
17 effective date of this Act is governed by the law in effect on the
18 date of the filing, and that law is continued in effect for that
19 purpose.

20 SECTION 10. This Act takes effect September 1, 2007.

H.B. No. 814

David Newkirk

President of the Senate

Jim Coakley

Speaker of the House

I certify that H.B. No. 814 was passed by the House on April 26, 2007, by the following vote: Yeas 136, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 814 on May 25, 2007, by the following vote: Yeas 135, Nays 6, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 814 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 29, Nays 2.

Letsy Jew

Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Peery

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8 PM O'CLOCK

JUN 15 2007

Roger Williams

Secretary of State