

SUBJECT: Services for wrongfully imprisoned person released from prison

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 11 ayes — Gallego, Christian, Fletcher, Hodge, Kent, Miklos, Moody, Pierson, Riddle, Vaught, Vo
0 nays

SENATE VOTE: On final passage, April 9 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify:* Edwin Colfax, The Justice Project; Kristin Etter, Texas Criminal Defense Lawyers Association; Scott Henson, Innocence Project of Texas; Matt Simpson, American Civil Liberties Union of Texas)
Against — None

BACKGROUND: Under Government Code, ch. 508, parolees may qualify for certain services or be required to participate in certain programs, including substance abuse treatment and psychological counseling.

DIGEST: SB 1847 would amend Government Code, ch. 501 by adding sec. 501.091 to require the Texas Department of Criminal Justice (TDCJ) to make available to people who were wrongfully imprisoned and released the same services available to or in which participation was mandatory for an inmate released on parole or to mandatory supervision under ch. 508.
The TDCJ executive director could adopt rules to implement this requirement and direct the director of the Texas Correctional Office on Offenders with Medical or Mental Impairments to take any actions necessary to implement it.
“Wrongfully imprisoned person” would be defined as a person who had served in whole or in part a sentence in a facility operated by or under contract with TDCJ and had received a pardon for innocence for the crime for which the person was sentenced, or otherwise been granted relief on the basis of actual innocence.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

By extending parolee services to wrongfully imprisoned persons, SB 1847 would recognize that wrongfully imprisoned persons need more assistance than the state currently provides. Counseling services and other programs would provide services to help them make a successful return to society. Unlike parolees, exonerated persons receive little to no help from the state.

SB 1847 would not create new programs but only make current programs available to wrongfully imprisoned persons. The number of such individuals is small and would not pose a significant additional cost on the state. Where the state's judicial system has failed and effectively taken years of a person's life, the state should bear the responsibility of helping that person reintegrate into society.

**OPPONENTS
SAY:**

This bill is unnecessary because Texas already offers compensation for wrongfully convicted persons. Extending parolee services to wrongfully imprisoned persons would be an additional cost to the state.