

- SUBJECT:** Verifying claims to pay compensation for wrongful imprisonment
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Peña, Riddle, Escobar, Hodge, Mallory Caraway, Pierson, Talton
- 0 nays
- 2 absent — Vaught, Moreno
- SENATE VOTE:** On final passage, April 12 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — (*Registered, but did not testify:* Edwin Colfax, The Justice Project; Lisa A. Garcia, Innocence Project; Dominic Gonzales, Texas Criminal Justice Coalition; Celeste Villarreal, Texas Criminal Defense Lawyers Association)
- Against — None
- On — (*Registered, but did not testify:* Whitney Blanton, Leonard Higgins, Comptrollers Office)
- BACKGROUND:** Civil Practice and Remedies Code, ch. 103 allows a person to receive compensation for a prison sentence if the person has served the sentence in whole or in part, and:
- received a full pardon on the basis of innocence for the crime for which the person was sentenced; or
  - was granted relief on the basis of actual innocence of the crime for which the person was sentenced.
- During the 2003 regular session, the 78th Legislature enacted HB 2425 by McCall, which revised the comptroller’s administrative procedures, including payment of claims. The bill amended Civil Practice and Remedies Code, sec. 103.051 to require a claimant for compensation to file a certification of actual innocence of the crime for which the claimant was sentenced, signed by the county prosecuting attorney, in addition to

the application, copy of the pardon, and statement verifying the length of incarceration.

**DIGEST:** SB 167 would amend Civil Practice and Remedies Code, sec. 103.051 to delete the requirement that a claimant for compensation for wrongful imprisonment provide a certification of actual innocence signed by the county prosecuting attorney. The bill would require the comptroller to consider only the verified copy of the pardon or court order and to determine whether that document indicated on its face that the pardon or court order was granted or rendered because of the claimant's actual innocence. The bill would stipulate that the comptroller's duty in determining eligibility for such claims was purely ministerial.

The bill would take effect on September 1, 2007, and would apply only to applications for compensation for wrongful imprisonment filed on or after that date.

**NOTES:** SB 210 by Ellis, et. al, which would make compensation for wrongful imprisonment exempt from federal income taxes, also is on today's General State Calendar.