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TESTIMONY 2013

S.B. 110

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of Senate Bill (S.B.) 110. To adequately compensate those who have suffered because of the state's mistake, Texas must ensure that all individuals who have been wrongfully convicted receive just compensation.

TEXAS MUST ASSUME GREATER RESPONSIBILITY FOR COMPENSATING PEOPLE CONVICTED OF A CRIME THEY DID NOT COMMIT

As Texas leads the nation in wrongful convictions,¹ it is the state's duty and obligation to take every step necessary to fully compensate people exonerated of a crime they did not commit. While it is impossible to fully compensate a person for the minutes, days, or years of freedom that are stolen because of a wrongful conviction, Texas must ensure that these individuals receive some compensation for their loss.

In 1985, the Texas Legislature enacted Senate Bill (S.B.) 797, which created Chapter 103 of the Civil Practice and Remedies Code, governing compensation for wrongful imprisonment. Since then, provisions of Chapter 103 have been amended to ease certain restrictions for those seeking to receive compensation and to grant additional privileges, such as health insurance benefits and an increase in the amount of compensation.² However, many people who meet the statutory requirements to file compensation—e.g., those who have been pardoned or exonerated—cannot file a claim because they fall outside the statutory limit to claim compensation. S.B. 110 seeks to remedy this and to provide all exonerated persons with the benefits and compensation to which they are entitled for the years they were erroneously imprisoned.

KEY FINDINGS

- **According to the National Registry of Exonerations, there have been 117 exonerees from Texas since 1989.** Since 1989, Texas has exonerated 10 death row inmates and 45 inmates serving life sentences.³
- **There are nearly 140 exonerees from Texas listed on Northwestern Law's Center on Wrongful Convictions website, a list that contemplates individuals exonerated prior to 1989.**⁴
- **Together, these wrongfully imprisoned individuals served well over 1,000 years in prison for crimes they did not commit.**⁵ These failures in our justice system ruin the lives of innocent people, hurt their families, and create substantial difficulties for those exonerated persons trying to reestablish a productive, meaningful life in their community.

PLEASE SUPPORT S.B. 110 BY CHAIRMAN WEST

- **S.B. 110 eases the time burden placed on individuals attempting to claim compensation for wrongful imprisonment and ensures that individuals are justly compensated for the time spent in prison.** S.B. 110 amends the current process used to compensate individuals by removing the three year statute of limitation to file a claim. By repealing this time limit provision, S.B. 110 will remove an unnecessary barrier for individuals who are currently barred from making a claim simply because of the date on which they were exonerated.
- **S.B. 110 will also provide statutory clarity with respect to when a person may file a specific claim related to tuition and fees for educational pursuits.**

Citations on reverse.

Citations

¹ The Justice Project, Texas Wrongful Convictions; <http://www.thejusticeproject.org/texas/texas-wrongful-convictions/>.

² See, e.g., [SB 536](#) (2001), [HB 1736](#) and [SB 2014](#) (2009), [SB 1686](#) and [HB 2230](#) (2011, and granting health insurance benefits to exonerees).

³ The National Registry of Exonerations; <http://www.law.umich.edu/special/exoneration/Pages/about.aspx>.

⁴ Northwestern Law, Center on Wrongful Convictions;

<http://www.law.northwestern.edu/wrongfulconvictions/exonerations>.

⁵ The National Registry of Exonerations; <http://www.law.umich.edu/special/exoneration/Pages/about.aspx>.