

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 18, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB440 by Ellis (Relating to compensation for wrongful imprisonment.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB440, As Introduced: a negative impact of (\$750,000) through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	(\$250,000)
2007	(\$500,000)
2008	(\$500,000)
2009	(\$500,000)
2010	(\$500,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from GENERAL REVENUE FUND 1
2006	(\$250,000)
2007	(\$500,000)
2008	(\$500,000)
2009	(\$500,000)
2010	(\$500,000)

Fiscal Analysis

This bill would amend the Civil Practice and Remedies Code and prohibit the double recovery of compensation for individuals wrongfully imprisoned and double the amount of compensation awarded for those individuals. The payment of increased wrongful imprisonment compensation would only apply to actions filed on or after the effective date of the bill. The bill would also add a separate schedule of wrongful imprisonment compensation for persons sentenced to death. These persons would be entitled to \$100,000 per year of wrongful incarceration. The bill would repeal limits on the total amount of compensation allowed.

Methodology

According to information provided by the Comptroller's office on payments made to individuals wrongfully imprisoned, an average of approximately two individuals per year receive compensation for

being wrongfully imprisoned. In addition, the average length of sentence is approximately eight years. Approximately \$500,000 was paid to eligible individuals in fiscal year 2004. Therefore, it is assumed that the amount of payments made to individuals for wrongful imprisonment would double above the current compensation, costing approximately \$500,000. However, according to statute, payments above \$50,000 shall be paid in two equal payments over two years. Therefore, the increased amount of payments made would be \$250,000 in fiscal year 2006 and \$500,000 in each fiscal year thereafter.

This bill would take effect immediately if it received two-thirds majority votes in both houses of the Legislature. Otherwise, it would take effect on September 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, KJG, JM