

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 10, 2007

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

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

IN RE: SB262 by Ellis (Relating to compensation for wrongful imprisonment.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB262, As Introduced: a negative impact of (\$3,038,000) through the biennium ending August 31, 2009.

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 |
|--------------------|---|
| 2008 | (\$1,519,000) |
| 2009 | (\$1,519,000) |
| 2010 | (\$1,519,000) |
| 2011 | (\$1,519,000) |
| 2012 | (\$1,519,000) |

All Funds, Five-Year Impact:

| Fiscal Year | Probable (Cost) from GENERAL REVENUE FUND 1 |
|--------------------|--|
| 2008 | (\$1,519,000) |
| 2009 | (\$1,519,000) |
| 2010 | (\$1,519,000) |
| 2011 | (\$1,519,000) |
| 2012 | (\$1,519,000) |

Fiscal Analysis

This bill would amend the Civil Practice and Remedies Code to prohibit the double recovery of compensation by individuals wrongfully imprisoned and would increase certain wrongful imprisonment compensation.

The bill would require a court to reduce the amount of compensation awarded by the amount paid or scheduled to be paid by a state or local governmental entity. Furthermore, the Comptroller of Public Accounts would be required to reduce the amount of compensation paid or scheduled to be paid by a state or local governmental entity by the amount awarded by a court. The bill would prohibit the Comptroller from making compensation payments in excess of the limits established within statute.

The bill would double the amount of compensation awarded for wrongful imprisonment. The bill would also add a separate schedule of wrongful imprisonment compensation for persons sentenced to

death to \$100,000 per year of wrongful incarceration. The bill would repeal the \$500,000 limit on the total amount of compensation allowed.

This bill would take effect immediately if it received two-thirds majority votes in both houses of the Legislature. Otherwise, the bill would take effect September 1, 2007

Methodology

According to the Comptroller of Public Accounts, the state currently pays claims averaging a total of \$985,000 per year for wrongful imprisonment compensation. Based on historical data, the payment of valid claims for compensation would increase by \$1,519,000 per fiscal year. The provision of the bill relating to the prohibition of double recovery of compensation by individuals wrongfully imprisoned would not have a significant fiscal impact.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JOB, ES, MS, KJG, JM