

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 28, 2009

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

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

IN RE: HB1736 by Anchia (Relating to compensation of persons wrongfully imprisoned.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 103 of the Civil Practice and Remedies Code relating to the administration of wrongful imprisonment compensation to certain persons. The bill eliminates a person's right to file suit for compensation for wrongful imprisonment, and allows for the person, or the person's heirs, legal representatives, and estate if the person is deceased, to seek compensation by filing an application with the Comptroller. The bill would add two methods of verification of eligibility, and would amend Section 103.052 of the Code to set compensation, for all cases, to \$80,000 for each year served in prison and would be prorated for a partial year. Claimants would be entitled to receive \$25,000 for each year on parole or as a registered sex offender, and would be prorated for a partial year. The bill would also require the Comptroller to make equal monthly payments to claimants based on an annuity derived from the present value sum of the wrongful imprisonment compensation, interest, and other actuarial considerations at the Comptroller's discretion.

Claimants would also be entitled to participate in the Employees Retirement System's (ERS) Group Benefits Program (GBP), with the state paying the full cost of premiums for claimants, but not dependents. In addition, the claimant would also be entitled to 120 hours of state-paid tuition at a career center, community college, or state university.

The bill would take effect September 1, 2009, and would only affect applications or claimants, due to receive compensation, on or after that date.

Based on historical data, the Comptroller estimates that the provisions of the bill would result in approximately an additional \$680,000 in payments annually to claimants. The Comptroller reports that the projection would depend on the actual number of claimants and whether they utilized the additional benefits.

The ERS actuary for insurance matters estimates that in future years there may be an average of five eligible claimants who would participate in the Group Benefits Program. It is estimated that this would result in an additional cost of approximately \$424,000 for the 2010-11 biennium. It is not projected that the cost increase would result in an increase in the state contribution to the GBP.

The Office of the Attorney General (OAG) reports that the bill would not appreciably increase the OAG's workload, if at all, and anticipates any additional work resulting from the bill could be absorbed with current resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 327 Employees Retirement System, 302 Office of the Attorney General, 696 Department of Criminal Justice, 758 Texas State University System

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