

SENATE AMENDMENTS

2nd Printing

By: Anchia, Davis of Dallas, Branch, Hodge,
Isett, et al.

H.B. No. 1736

A BILL TO BE ENTITLED

1 AN ACT

2 relating to compensation of persons wrongfully imprisoned.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. This Act shall be known as the Tim Cole Act.

5 SECTION 2. Section 103.001, Civil Practice and Remedies
6 Code, is amended by adding Subsection (c) to read as follows:

7 (c) If a deceased person would be entitled to compensation
8 under Subsection (a)(2) if living, including a person who received
9 a posthumous pardon, the person's heirs, legal representatives, and
10 estate are entitled to lump-sum compensation under Section 103.052.

11 SECTION 3. Section 103.003, Civil Practice and Remedies
12 Code, is amended to read as follows:

13 Sec. 103.003. LIMITATION ON TIME TO FILE. Not later than
14 the third anniversary of the date the person on whose imprisonment
15 the claim is based received the pardon or was granted relief [~~found~~
16 ~~not guilty~~] as required by Section 103.001, a person seeking
17 compensation under this chapter must[+]

18 [(1)] file an application with the comptroller for
19 compensation under Subchapter B[+~~or~~

20 [(2) ~~file suit against the state for compensation~~
21 ~~under Subchapter C~~].

22 SECTION 4. Section 103.051(a), Civil Practice and Remedies
23 Code, as amended by Chapters 1190 (H.B. 814) and 1388 (S.B. 1719),
24 Acts of the 80th Legislature, Regular Session, 2007, is reenacted

1 and amended to read as follows:

2 (a) To apply for compensation under this subchapter, the
3 claimant must file with the comptroller's judiciary section:

4 (1) an application for compensation provided for that
5 purpose by the comptroller;

6 (2) a verified copy of the pardon or court order
7 justifying the application for compensation; ~~and~~

8 (3) a statement provided by the Texas Department of
9 Criminal Justice and any county or municipality that incarcerated
10 the person on whose imprisonment the claim is based in connection
11 with the relevant sentence verifying the length of incarceration;

12 (4) if applicable, a statement from the Department of
13 Public Safety verifying registration as a sex offender and length
14 of registration;

15 (5) if applicable, a statement from the Texas
16 Department of Criminal Justice verifying the length of time spent
17 on parole; and

18 (6) if the claimant is applying for compensation under
19 Section 103.052(a)(2), a certified copy of each child support order
20 under which child support payments became due during the time the
21 claimant served in prison and copies of the official child support
22 payment records described by Section 234.009, Family Code, for that
23 period.

24 SECTION 5. Section 103.052, Civil Practice and Remedies
25 Code, is amended to read as follows:

26 Sec. 103.052. LUMP-SUM AND CERTAIN OTHER ~~[AMOUNT AND TIMING~~
27 ~~OF]~~ COMPENSATION. (a) A person who meets the requirements of

1 Section 103.001 is entitled to compensation in an amount equal to:

2 (1) \$80,000 [~~\$50,000~~] multiplied by the number of
3 years served in prison, expressed as a fraction to reflect partial
4 years; and

5 (2) compensation for child support payments owed by
6 the person on whose imprisonment the claim is based that became due
7 and interest on child support arrearages that accrued during the
8 time served in prison but were not paid.

9 [~~(a-1) Notwithstanding Subsection (a)(1), a person~~
10 ~~sentenced to death who meets the requirements of Section 103.001 is~~
11 ~~entitled to compensation in an amount equal to \$100,000 multiplied~~
12 ~~by the number of years served in prison, expressed as a fraction to~~
13 ~~reflect partial years.]~~

14 (b) A person who, after serving a sentence in a Texas prison
15 for which the person is entitled to compensation under Subsection
16 (a)(1), was released on parole or required to register as a sex
17 offender under Chapter 62, Code of Criminal Procedure, is entitled
18 to compensation in an amount equal to \$25,000 multiplied by the
19 number of years served either on parole or as a registered sex
20 offender, expressed as a fraction to reflect partial years [A
21 ~~person who is owed an amount of compensation under Subsection~~
22 ~~(a)(1) or (a-1) equal to or greater than \$50,000 shall be paid that~~
23 ~~compensation in two equal annual installments].~~

24 (c) On application by the claimant in a manner prescribed by
25 the board of trustees of the Employees Retirement System of Texas, a
26 claimant who is entitled to compensation under Section 103.001(a)
27 may participate in the group benefits program under Chapter 1551,

1 Insurance Code, and is automatically covered by the basic coverage
2 for annuitants provided under that chapter. A claimant who
3 participates in the group benefits program is entitled to receive
4 state contributions for the full cost of the premiums. [~~If~~
5 ~~requested by the claimant, the Texas Department of Mental Health~~
6 ~~and Mental Retardation shall provide appropriate counseling for one~~
7 ~~year to the claimant at a mutually agreed-on location at no charge~~
8 ~~to the claimant.]~~

9 (d) The amount of compensation under Subsection (a)(2) to
10 which a person is entitled shall be paid on the person's behalf in a
11 lump-sum payment to the state disbursement unit, as defined by
12 Section 101.0302, Family Code, for distribution to the obligee
13 under the child support order.

14 (e) If requested by the claimant, up to 120 hours of tuition
15 at a career center, community college, or state university shall be
16 paid on behalf of the claimant.

17 SECTION 6. Subchapter B, Chapter 103, Civil Practice and
18 Remedies Code, is amended by adding Section 103.053 to read as
19 follows:

20 Sec. 103.053. ANNUITY COMPENSATION. (a) A person entitled
21 to compensation under Section 103.001(a) is entitled to annuity
22 payments, based on a present value sum equal to the amount to which
23 the person is entitled under Sections 103.052(a)(1) and (b).

24 (b) The annuity payments under this section are payable in
25 equal monthly installments for the life of the claimant and must be
26 based on a five percent per annum interest rate and other actuarial
27 factors within the discretion of the comptroller.

1 (c) The annuity payments may not be accelerated, deferred,
2 increased, or decreased. The applicant may not sell, mortgage or
3 otherwise encumber, or anticipate the payments, wholly or partly,
4 by assignment or otherwise.

5 SECTION 7. Section 103.151, Civil Practice and Remedies
6 Code, is amended to read as follows:

7 Sec. 103.151. ADMINISTRATIVE PAYMENT OF COMPENSATION. (a)
8 The comptroller shall make the compensation [~~first installment~~
9 ~~payment~~] due a claimant under Section 103.052 [~~an applicant~~] and
10 the lump-sum payment, if any, to be paid to the state disbursement
11 unit, as defined by Section 101.0302, Family Code, under Subchapter
12 B, to the extent that funds are available and appropriated for that
13 purpose, not later than the 30th day after the date the comptroller
14 grants the application. A claim for lump-sum compensation payable
15 under Section 103.052(a) or (b) shall survive the death of the
16 claimant in favor of the heirs, legal representatives, and estate
17 of the claimant.

18 (b) The comptroller shall begin making annuity payments to a
19 claimant under Section 103.053(a) on the first anniversary of the
20 date of payment of the compensation due under Section 103.052 [~~pay~~
21 ~~the amount of the second installment payment on the first~~
22 ~~anniversary of the date of the first installment)].~~

23 (c) If appropriated funds are insufficient to pay the amount
24 due a claimant [~~an applicant~~] and the amount to be paid to the state
25 disbursement unit, as defined by Section 101.0302, Family Code,
26 money shall be paid under the procedure described by Section
27 103.152.

1 SECTION 8. Section 103.152(a), Civil Practice and Remedies
2 Code, is amended to read as follows:

3 (a) Not later than November 1 of each even-numbered year,
4 the comptroller shall provide a list of claimants entitled to
5 payment under Subchapter B [~~or C~~] and the amounts due for each
6 claimant to the governor, the lieutenant governor, and the chair of
7 the appropriate committee in each house of the legislature so that
8 the legislature may appropriate the amount needed to pay the amount
9 owed to each claimant and the amount to be paid to the state
10 disbursement unit, as defined by Section 101.0302, Family Code, on
11 the claimant's behalf.

12 SECTION 9. Section 103.154(b), Civil Practice and Remedies
13 Code, is amended to read as follows:

14 (b) Annuity [~~Except as provided by Subsection (c),~~
15 ~~compensation~~] payments to a person under Section 103.151(b) [~~this~~
16 ~~chapter~~] terminate on the date of the person's death. Any payments
17 scheduled to be paid after that date are credited to the state and
18 may not be paid to any other person, including the person's
19 surviving spouse, heirs, devisees, or beneficiaries under the
20 person's will, or to the person's estate.

21 SECTION 10. The following provisions of the Civil Practice
22 and Remedies Code are repealed:

- 23 (1) Section 103.002;
24 (2) Subchapter C, Chapter 103; and
25 (3) Section 103.152(c).

26 SECTION 11. (a) The change in law made by this Act applies
27 only to an application for compensation for wrongful imprisonment

1 that is filed on or after the effective date of this Act. An
2 application filed or action commenced under Chapter 103, Civil
3 Practice and Remedies Code, before the effective date of this Act is
4 governed by the law in effect immediately before the effective date
5 of this Act, and that law is continued in effect for that purpose.

6 (b) Notwithstanding Section 103.003, Civil Practice and
7 Remedies Code, as amended by this Act, a person who received
8 compensation under Chapter 103, Civil Practice and Remedies Code,
9 before September 1, 2009, is entitled to annuity payments under
10 Section 103.053, Civil Practice and Remedies Code, as added by this
11 Act, based on a present value sum equal to the amount the person
12 would receive under Sections 103.052(a)(1) and (b), Civil Practice
13 and Remedies Code, as amended by this Act, if the person were to
14 receive compensation under those sections on September 1, 2009.
15 The comptroller of public accounts shall begin making payments to a
16 claimant under this section not later than the 30th day after the
17 date the comptroller determines the claimant is eligible to receive
18 compensation under this section.

19 SECTION 12. This Act takes effect September 1, 2009.

ADOPTED

MAY 11 2009

Atty Gen
Secretary of the Senate

Rodney Ellis

By: Duncan

H.B. No. 1730

Substitute the following for ___B. No. _____:

By: *Rodney Ellis*

C.S. ___B. No. _____

A BILL TO BE ENTITLED

AN ACT

1

2 relating to compensation of and services to persons wrongfully
3 imprisoned.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. This Act shall be known as the Tim Cole Act.

6 SECTION 2. Section 103.001, Civil Practice and Remedies
7 Code, is amended by adding Subsection (c) to read as follows:

8 (c) If a deceased person would be entitled to compensation
9 under Subsection (a)(2) if living, including a person who received
10 a posthumous pardon, the person's heirs, legal representatives, and
11 estate are entitled to lump-sum compensation under Section 103.052.

12 SECTION 3. Section 103.003, Civil Practice and Remedies
13 Code, is amended to read as follows:

14 Sec. 103.003. LIMITATION ON TIME TO FILE. Not later than
15 the third anniversary of the date the person on whose imprisonment
16 the claim is based received the pardon or was granted relief [~~found~~
17 ~~not guilty~~] as required by Section 103.001, a person seeking
18 compensation under this chapter must [+

19 [(1)] file an application with the comptroller for
20 compensation under Subchapter B [~~+~~ or

21 [(2)] ~~file suit against the state for compensation~~
22 ~~under Subchapter C~~].

23 SECTION 4. Section 103.051(a), Civil Practice and Remedies
24 Code, as amended by Chapters 1190 (H.B. 814) and 1388 (S.B. 1719),

1 Acts of the 80th Legislature, Regular Session, 2007, is reenacted
2 and amended to read as follows:

3 (a) To apply for compensation under this subchapter, the
4 claimant must file with the comptroller's judiciary section:

5 (1) an application for compensation provided for that
6 purpose by the comptroller;

7 (2) a verified copy of the pardon or court order
8 justifying the application for compensation; ~~and~~

9 (3) a statement provided by the Texas Department of
10 Criminal Justice and any county or municipality that incarcerated
11 the person on whose imprisonment the claim is based in connection
12 with the relevant sentence verifying the length of incarceration;

13 (4) if applicable, a statement from the Department of
14 Public Safety verifying registration as a sex offender and length
15 of registration;

16 (5) if applicable, a statement from the Texas
17 Department of Criminal Justice verifying the length of time spent
18 on parole; and

19 (6) if the claimant is applying for compensation under
20 Section 103.052(a)(2), a certified copy of each child support order
21 under which child support payments became due during the time the
22 claimant served in prison and copies of the official child support
23 payment records described by Section 234.009, Family Code, for that
24 period.

25 SECTION 5. Section 103.052, Civil Practice and Remedies
26 Code, is amended to read as follows:

27 Sec. 103.052. LUMP-SUM ~~[AMOUNT AND TIMING OF]~~ COMPENSATION.

1 (a) A person who meets the requirements of Section 103.001 is
2 entitled to compensation in an amount equal to:

3 (1) \$80,000 [~~\$50,000~~] multiplied by the number of
4 years served in prison, expressed as a fraction to reflect partial
5 years; and

6 (2) compensation for child support payments owed by
7 the person on whose imprisonment the claim is based that became due
8 and interest on child support arrearages that accrued during the
9 time served in prison but were not paid.

10 [~~(a-1) Notwithstanding Subsection (a)(1), a person~~
11 ~~sentenced to death who meets the requirements of Section 103.001 is~~
12 ~~entitled to compensation in an amount equal to \$100,000 multiplied~~
13 ~~by the number of years served in prison, expressed as a fraction to~~
14 ~~reflect partial years.]~~

15 (b) A person who, after serving a sentence in a Texas prison
16 for which the person is entitled to compensation under Subsection
17 (a)(1), was released on parole or required to register as a sex
18 offender under Chapter 62, Code of Criminal Procedure, is entitled
19 to compensation in an amount equal to \$25,000 multiplied by the
20 number of years served either on parole or as a registered sex
21 offender, expressed as a fraction to reflect partial years [A
22 ~~person who is owed an amount of compensation under Subsection~~
23 ~~(a)(1) or (a-1) equal to or greater than \$50,000 shall be paid that~~
24 ~~compensation in two equal annual installments].~~

25 (c) [~~If requested by the claimant, the Texas Department of~~
26 ~~Mental Health and Mental Retardation shall provide appropriate~~
27 ~~counseling for one year to the claimant at a mutually agreed-on~~

1 ~~location at no charge to the claimant.~~

2 ~~[(d)]~~ The amount of compensation under Subsection (a)(2) to
3 which a person is entitled shall be paid on the person's behalf in a
4 lump-sum payment to the state disbursement unit, as defined by
5 Section 101.0302, Family Code, for distribution to the obligee
6 under the child support order.

7 SECTION 6. Subchapter B, Chapter 103, Civil Practice and
8 Remedies Code, is amended by adding Section 103.053 to read as
9 follows:

10 Sec. 103.053. ANNUITY COMPENSATION. (a) A person entitled
11 to compensation under Section 103.001(a) is entitled to annuity
12 payments, based on a present value sum equal to the amount to which
13 the person is entitled under Sections 103.052(a)(1) and (b).

14 (b) The annuity payments under this section are payable in
15 equal monthly installments for the life of the claimant and must be
16 based on a five percent per annum interest rate and other actuarial
17 factors within the discretion of the comptroller.

18 (c) The annuity payments may not be accelerated, deferred,
19 increased, or decreased. The applicant may not sell, mortgage or
20 otherwise encumber, or anticipate the payments, wholly or partly,
21 by assignment or otherwise.

22 SECTION 7. Section 103.151, Civil Practice and Remedies
23 Code, is amended to read as follows:

24 Sec. 103.151. ADMINISTRATIVE PAYMENT OF COMPENSATION. (a)
25 The comptroller shall make the compensation ~~[first installment~~
26 ~~payment]~~ due a claimant under Section 103.052 ~~[an applicant]~~ and
27 the lump-sum payment, if any, to be paid to the state disbursement

1 unit, as defined by Section 101.0302, Family Code, under Subchapter
2 B, to the extent that funds are available and appropriated for that
3 purpose, not later than the 30th day after the date the comptroller
4 grants the application. A claim for lump-sum compensation payable
5 under Section 103.052(a) or (b) shall survive the death of the
6 claimant in favor of the heirs, legal representatives, and estate
7 of the claimant.

8 (b) The comptroller shall begin making annuity payments to a
9 claimant under Section 103.053(a) on the first anniversary of the
10 date of payment of the compensation due under Section 103.052 [~~pay~~
11 ~~the amount of the second installment payment on the first~~
12 ~~anniversary of the date of the first installment]~~.

13 (c) If appropriated funds are insufficient to pay the amount
14 due a claimant [~~an applicant~~] and the amount to be paid to the state
15 disbursement unit, as defined by Section 101.0302, Family Code,
16 money shall be paid under the procedure described by Section
17 103.152.

18 SECTION 8. Section 103.152(a), Civil Practice and Remedies
19 Code, is amended to read as follows:

20 (a) Not later than November 1 of each even-numbered year,
21 the comptroller shall provide a list of claimants entitled to
22 payment under Subchapter B [~~or C~~] and the amounts due for each
23 claimant to the governor, the lieutenant governor, and the chair of
24 the appropriate committee in each house of the legislature so that
25 the legislature may appropriate the amount needed to pay the amount
26 owed to each claimant and the amount to be paid to the state
27 disbursement unit, as defined by Section 101.0302, Family Code, on

1 the claimant's behalf.

2 SECTION 9. Section 103.154(b), Civil Practice and Remedies
3 Code, is amended to read as follows:

4 (b) Annuity [~~Except as provided by Subsection (c),~~
5 ~~compensation~~] payments to a person under Section 103.151(b) [~~this~~
6 ~~chapter~~] terminate on the date of the person's death. Any payments
7 scheduled to be paid after that date are credited to the state and
8 may not be paid to any other person, including the person's
9 surviving spouse, heirs, devisees, or beneficiaries under the
10 person's will, or to the person's estate.

11 SECTION 10. Subchapter C, Chapter 501, Government Code, is
12 amended by adding Section 501.091 to read as follows:

13 Sec. 501.091. REENTRY AND REINTEGRATION SERVICES FOR
14 WRONGFULLY IMPRISONED PERSONS. (a) In this section, "wrongfully
15 imprisoned person" means a person who:

16 (1) has served wholly or partly a sentence in prison
17 under the laws of this state; and

18 (2) has:

19 (A) received a full pardon on the basis of
20 innocence for the crime for which the person was sentenced; or

21 (B) been granted relief on the basis of actual
22 innocence of the crime for which the person was sentenced.

23 (b) The department shall develop a comprehensive plan to
24 ensure the successful reentry and reintegration of wrongfully
25 imprisoned persons into the community following discharge from the
26 department. The reentry and reintegration plan developed under
27 this section must include:

1 (1) life-skills, job, and vocational training for a
2 wrongfully imprisoned person following discharge, for as long as
3 those services are beneficial to the person;

4 (2) a requirement that the department provide, before
5 a wrongfully imprisoned person is discharged from the department,
6 the person with any documents that are necessary after discharge,
7 including a state identification card; and

8 (3) the provision of financial assistance to aid a
9 wrongfully imprisoned person in the reentry and reintegration
10 process and in covering living expenses following discharge, in an
11 amount not to exceed \$10,000.

12 (c) The provision of financial assistance under Subsection
13 (b)(3) shall be administered by the Texas Correctional Office on
14 Offenders with Medical or Mental Impairments or the department.

15 (d) The amount of financial assistance provided to a
16 wrongfully imprisoned person under Subsection (b)(3) shall be
17 deducted from the amount of compensation provided to the person
18 under Section 103.052, Civil Practice and Remedies Code.

19 (e) The department may contract with private vendors or
20 other entities to implement the comprehensive reentry and
21 reintegration plan required by this section.

22 SECTION 11. Chapter 614, Health and Safety Code, is amended
23 by adding Section 614.021 to read as follows:

24 Sec. 614.021. SERVICES FOR WRONGFULLY IMPRISONED PERSONS.

25 (a) In this section, "wrongfully imprisoned person" has the
26 meaning assigned by Section 501.091, Government Code.

27 (b) The office shall develop a plan to use existing case

1 management functions to assist wrongfully imprisoned persons who
2 are discharged from the Texas Department of Criminal Justice in:

3 (1) accessing medical and dental services, including
4 assistance in completing documents required for application to
5 federal entitlement programs;

6 (2) obtaining mental health treatment and related
7 support services through the public mental health system for as
8 long as the wrongfully imprisoned person requires assistance; and

9 (3) obtaining appropriate support services, as
10 identified by the wrongfully imprisoned person and the assigned
11 case manager, to assist the person in making the transition from
12 incarceration into the community.

13 (c) The office shall submit an annual report to the
14 legislature on the provision of services under this section to
15 wrongfully imprisoned persons.

16 SECTION 12. The following provisions of the Civil Practice
17 and Remedies Code are repealed:

18 (1) Section 103.002;

19 (2) Subchapter C, Chapter 103; and

20 (3) Section 103.152(c).

21 SECTION 13. (a) As soon as practicable after the effective
22 date of this Act, the Texas Department of Criminal Justice shall
23 develop a comprehensive plan for the reentry and reintegration of
24 wrongfully imprisoned persons as required by Section 501.091,
25 Government Code, as added by this Act.

26 (b) As soon as practicable after the effective date of this
27 Act, the Texas Correctional Office on Offenders with Medical or

1 Mental Impairments shall develop a plan to assist wrongfully
2 imprisoned persons as required by Section 614.021, Health and
3 Safety Code, as added by this Act, and shall submit the first annual
4 report to the legislature as required by that section not later than
5 September 1, 2010.

6 SECTION 14. (a) Chapter 103, Civil Practice and Remedies
7 Code, as amended by this Act, applies only to an application for
8 compensation for wrongful imprisonment that is filed on or after
9 the effective date of this Act. An application filed or action
10 commenced under Chapter 103, Civil Practice and Remedies Code,
11 before the effective date of this Act is governed by the law in
12 effect immediately before the effective date of this Act, and that
13 law is continued in effect for that purpose.

14 (b) Notwithstanding Section 103.003, Civil Practice and
15 Remedies Code, as amended by this Act, a person who received
16 compensation under Chapter 103, Civil Practice and Remedies Code,
17 before September 1, 2009, is entitled to annuity payments under
18 Section 103.053, Civil Practice and Remedies Code, as added by this
19 Act, based on a present value sum equal to the amount the person
20 would receive under Sections 103.052(a)(1) and (b), Civil Practice
21 and Remedies Code, as amended by this Act, if the person were to
22 receive compensation under those sections on September 1, 2009.
23 The comptroller of public accounts shall begin making payments to a
24 claimant under this section not later than the 30th day after the
25 date the comptroller determines the claimant is eligible to receive
26 compensation under this section.

27 SECTION 15. This Act takes effect September 1, 2009.

ADOPTED

MAY 08 2009

Letty Spaul
Secretary of the Senate

Robney Ellis

FLOOR AMENDMENT NO. 1

BY: _____

1 Amend C.S.H.B. No. 1736 (senate committee printing) as
2 follows:

3 (1) In SECTION 6 of the bill, in the recital (page 2, line
4 31), strike "Section 103.053" and substitute "Sections 103.053 and
5 103.054".

6 (2) In SECTION 6 of the bill, after added Section 103.053,
7 Civil Practice and Remedies Code (page 2, between lines 44 and 45),
8 insert the following:

9 Sec. 103.054. PAYMENT OF CERTAIN TUITION AND FEES. If
10 requested by the claimant before the seventh anniversary of the
11 date the claimant received the pardon or was granted relief as
12 required by Section 103.001, tuition for up to 120 credit hours,
13 including tuition charged under Section 54.0513, Education Code, or
14 any other law granting an educational institution discretion to set
15 the tuition rate, and any mandatory fees associated with attendance
16 at the institution, charged by a career center or public
17 institution of higher education shall be paid on behalf of the
18 claimant.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 11, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: **HB1736** by Anchia (Relating to compensation of and services to persons wrongfully imprisoned.), **As Passed 2nd House**

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. In addition, claimants would also be entitled to 120 hours of state-paid tuition and mandatory fees at a career center, community college, or state university if requested by a claimant before the seventh anniversary of the date the claimant received a pardon or was granted relief.

The bill would amend the Government Code by requiring the Texas Department of Criminal Justice (TDCJ) to provide reentry and reintegration services for a wrongfully imprisoned person. The bill would include a person who has served wholly or partly a sentence operated by or under contract with TDCJ and has received a pardon for innocence for the crime for which the person was sentenced or otherwise been granted relief because of being innocent of the crime. Also, the bill would require TDCJ to develop a reentry and reintegration plan that would include life-skills, job, and vocational training for a wrongfully imprisoned person following discharge, for as long as the services are beneficial. The bill would require TDCJ to provide the following to the wrongfully imprisoned person: a state identification card and financial assistance to aid in covering living expenses following discharge, not to exceed \$10,000. The bill would provide that the amount of the financial assistance shall be deducted from compensation provided or damages awarded the person under the Civil Practice and Remedies Code. The bill would allow TDCJ to contract with a private vendor or other entity to implement the comprehensive reentry and reintegration services.

The bill would also require TDCJ to develop a plan for the wrongfully imprisoned person for meeting the long-term treatment and rehabilitative needs, including medical care and mental health services at no cost for the remainder of the person's lifetime. The bill would require the plan to include, at no cost, dental services for two years following the person's discharge date and mental health and other health counseling services for three years following the person's discharge date.

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 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. The Texas Department of Criminal Justice has determined that the bill would currently apply to a small number of persons and costs associated with implementing the bill would not be significant .

Local Government Impact

No fiscal implication to units of local government is anticipated.

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

LBB Staff: JOB, KJG, ESi, MS, GG, SDO, DEH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 5, 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 and services to persons wrongfully imprisoned.), **Committee Report 2nd House, Substituted**

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.

The bill would amend the Government Code by requiring the Texas Department of Criminal Justice (TDCJ) to provide reentry and reintegration services for a wrongfully imprisoned person. The bill would include a person who has served wholly or partly a sentence operated by or under contract with TDCJ and has received a pardon for innocence for the crime for which the person was sentenced or otherwise been granted relief because of being innocent of the crime. Also, the bill would require TDCJ to develop a reentry and reintegration plan that would include life-skills, job, and vocational training for a wrongfully imprisoned person following discharge, for as long as the services are beneficial. The bill would require TDCJ to provide the following to the wrongfully imprisoned person: a state identification card and financial assistance to aid in covering living expenses following discharge, not to exceed \$10,000. The bill would provide that the amount of the financial assistance shall be deducted from compensation provided or damages awarded the person under the Civil Practice and Remedies Code. The bill would allow TDCJ to contract with a private vendor or other entity to implement the comprehensive reentry and reintegration services.

The bill would also require TDCJ to develop a plan for the wrongfully imprisoned person for meeting the long-term treatment and rehabilitative needs, including medical care and mental health services at no cost for the remainder of the person's lifetime. The bill would require the plan to include, at no cost, dental services for two years following the person's discharge date and mental health and other health counseling services for three years following the person's discharge date.

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 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. The Texas Department of Criminal Justice has determined that the bill would currently apply to a small number of persons and costs associated with implementing the bill would not be significant .

Local Government Impact

No fiscal implication to units of local government is anticipated.

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

LBB Staff: JOB, KJG, ESi, MS, GG, SDO, DEH

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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

LBB Staff: JOB, ESi, KJG, MS, DEH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 9, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: **HB1736** by Anchia (Relating to compensation of persons wrongfully imprisoned.),
Committee Report 1st House, Substituted

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.

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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

LBB Staff: JOB, ESi, KJG, MS, DEH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 1, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

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

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 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 not 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: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 327 Employees Retirement System, 696 Department of Criminal Justice, 758 Texas State

University System

LBB Staff: JOB, ESi, MS, DEH

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LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

April 9, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB1736 by Anchia (Relating to compensation of persons wrongfully imprisoned.),
Committee Report 1st House, Substituted

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, LM

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LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

March 30, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

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

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG, TMP

