

## **BILL ANALYSIS**

Senate Research Center

S.B. 1686  
By: Ellis  
State Affairs  
7/27/2011  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1686 amends current law relating to group health benefits coverage for persons wrongfully imprisoned.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 2 (Section 103.001, Civil Practice and Remedies Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Section 103.001, Civil Practice and Remedies Code, to read as follows:

Sec. 103.001. CLAIMANTS ENTITLED TO COMPENSATION AND HEALTH BENEFITS COVERAGE.

SECTION 2. Amends Section 103.001, Civil Practice and Remedies Code, by adding Subsections (d) and (e), as follows:

(d) Provides that, subject to this section, a person entitled to compensation under Subsection (a) (providing that a person is entitled to compensation if the person has served in whole or in part a sentence in prison under the laws of this state and has received a full pardon on the basis of innocence for the crime for which the person was sentenced, or has been granted relief on the basis of actual innocence of the crime for which the person was sentenced) is also eligible to obtain group health benefit plan coverage through the Texas Department of Criminal Justice (TDCJ) as if the person were an employee of TDCJ. Provides that this subsection does not entitle the person's spouse or other dependent or family member to group health benefit plan coverage. Authorizes coverage to be obtained under this subsection for a period of time equal to the total period the claimant served for the crime for which the claimant was wrongfully imprisoned, including any period during which the claimant was released on parole or to mandatory supervision or required to register under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure. Requires a person who elects to obtain coverage under this subsection to pay a monthly contribution equal to the total amount of the monthly contributions for that coverage for an employee of TDCJ.

(e) Authorize annuity payments, notwithstanding Section 103.053(c) (prohibiting the annuity payments from being accelerated, deferred, increased, or decreased), to be reduced by an amount necessary to make the payments required by Subsection (d), and requires that amount to be transferred to an appropriate account as provided by the comptroller of public accounts (comptroller) by rule to fund that coverage.

SECTION 3. Amends Section 103.051, Civil Practice and Remedies Code, by adding Subsection (f), as follows:

(f) Requires the claimant, to apply for coverage through TDCJ under Section 103.001(d), to file with TDCJ:

- (1) an application for coverage provided for that purpose by TDCJ; and
- (2) a statement by the comptroller that the comptroller has determined the claimant to be eligible for compensation under this subchapter.

SECTION 4. Amends Subchapter C, Chapter 1551, Insurance Code, by adding Section 1551.115, as follows:

Sec. 1551.115. PARTICIPATION BY WRONGFULLY IMPRISONED PERSONS. Provides that, subject to Section 103.001, Civil Practice and Remedies Code, a person who is entitled to compensation under Chapter 103 (Compensation to Persons Wrongfully Imprisoned), Civil Practice and Remedies Code, is eligible to obtain health benefit plan coverage under the group benefits program in the manner and to the extent that an employee of TDCJ would be entitled to coverage, except that this section does not entitle the person's spouse or other dependent or family member to coverage.

SECTION 5. Provides that the change in law made by this Act applies to a person the comptroller has determined to be eligible for compensation as provided by Section 103.051(b) (requiring the comptroller to determine the eligibility of the claimant and the amount of compensation owed to an eligible claimant), Civil Practice and Remedies Code, regardless of whether the eligibility determination is made before, on, or after the effective date of this Act.

SECTION 6. Effective date: September 1, 2011.