

By: Ellis

S.B. No. 1686

A BILL TO BE ENTITLED

AN ACT

relating to group health benefits coverage for persons wrongfully imprisoned.

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

SECTION 1. The heading to Section 103.001, Civil Practice and Remedies Code, is amended to read as follows:

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

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

(d) Subject to this section, a person entitled to compensation under Subsection (a) is also eligible to obtain group health benefit plan coverage through the Texas Department of Criminal Justice as if the person were an employee of the department. This subsection does not entitle the person's spouse or other dependent or family member to group health benefit plan coverage. Coverage may 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, Code of Criminal Procedure. A person who elects to obtain coverage under this subsection shall pay a monthly contribution equal to the

1 total amount of the monthly contributions for that coverage for an  
2 employee of the department.

3 (e) Notwithstanding Section 103.053(c), annuity payments  
4 may be reduced by an amount necessary to make the payments required  
5 by Subsection (d), and that amount shall be transferred to an  
6 appropriate account as provided by the comptroller by rule to fund  
7 that coverage.

8 SECTION 3. Section 103.051, Civil Practice and Remedies  
9 Code, is amended by adding Subsection (f) to read as follows:

10 (f) To apply for coverage through the Texas Department of  
11 Criminal Justice under Section 103.001(d), the claimant must file  
12 with the department:

13 (1) an application for coverage provided for that  
14 purpose by the department; and

15 (2) a statement by the comptroller that the  
16 comptroller has determined the claimant to be eligible for  
17 compensation under this subchapter.

18 SECTION 4. Subchapter C, Chapter 1551, Insurance Code, is  
19 amended by adding Section 1551.115 to read as follows:

20 Sec. 1551.115. PARTICIPATION BY WRONGFULLY IMPRISONED  
21 PERSONS. Subject to Section 103.001, Civil Practice and Remedies  
22 Code, a person who is entitled to compensation under Chapter 103,  
23 Civil Practice and Remedies Code, is eligible to obtain health  
24 benefit plan coverage under the group benefits program in the  
25 manner and to the extent that an employee of the Texas Department of  
26 Criminal Justice would be entitled to coverage, except that this  
27 section does not entitle the person's spouse or other dependent or

1 family member to coverage.

2           SECTION 5. The change in law made by this Act applies to a  
3 person the comptroller of public accounts has determined to be  
4 eligible for compensation as provided by Subsection (b), Section  
5 103.051, Civil Practice and Remedies Code, regardless of whether  
6 the eligibility determination is made before, on, or after the  
7 effective date of this Act.

8           SECTION 6. This Act takes effect September 1, 2012.