

1-1 By: Ellis S.B. No. 1686  
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 26, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 26, 2011,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1686 By: Ellis

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to group health benefits coverage for persons wrongfully  
1-11 imprisoned.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Section 103.001, Civil Practice  
1-14 and Remedies Code, is amended to read as follows:

1-15 Sec. 103.001. CLAIMANTS ENTITLED TO COMPENSATION AND HEALTH  
1-16 BENEFITS COVERAGE.

1-17 SECTION 2. Section 103.001, Civil Practice and Remedies  
1-18 Code, is amended by adding Subsections (d) and (e) to read as  
1-19 follows:

1-20 (d) Subject to this section, a person entitled to  
1-21 compensation under Subsection (a) is also eligible to obtain group  
1-22 health benefit plan coverage through the Texas Department of  
1-23 Criminal Justice as if the person were an employee of the  
1-24 department. This subsection does not entitle the person's spouse  
1-25 or other dependent or family member to group health benefit plan  
1-26 coverage. Coverage may be obtained under this subsection for a  
1-27 period of time equal to the total period the claimant served for the  
1-28 crime for which the claimant was wrongfully imprisoned, including  
1-29 any period during which the claimant was released on parole or to  
1-30 mandatory supervision or required to register under Chapter 62,  
1-31 Code of Criminal Procedure. A person who elects to obtain coverage  
1-32 under this subsection shall pay a monthly contribution equal to the  
1-33 total amount of the monthly contributions for that coverage for an  
1-34 employee of the department.

1-35 (e) Notwithstanding Section 103.053(c), annuity payments  
1-36 may be reduced by an amount necessary to make the payments required  
1-37 by Subsection (d), and that amount shall be transferred to an  
1-38 appropriate account as provided by the comptroller by rule to fund  
1-39 that coverage.

1-40 SECTION 3. Section 103.051, Civil Practice and Remedies  
1-41 Code, is amended by adding Subsection (f) to read as follows:

1-42 (f) To apply for coverage through the Texas Department of  
1-43 Criminal Justice under Section 103.001(d), the claimant must file  
1-44 with the department:

1-45 (1) an application for coverage provided for that  
1-46 purpose by the department; and

1-47 (2) a statement by the comptroller that the  
1-48 comptroller has determined the claimant to be eligible for  
1-49 compensation under this subchapter.

1-50 SECTION 4. Subchapter C, Chapter 1551, Insurance Code, is  
1-51 amended by adding Section 1551.115 to read as follows:

1-52 Sec. 1551.115. PARTICIPATION BY WRONGFULLY IMPRISONED  
1-53 PERSONS. Subject to Section 103.001, Civil Practice and Remedies  
1-54 Code, a person who is entitled to compensation under Chapter 103,  
1-55 Civil Practice and Remedies Code, is eligible to obtain health  
1-56 benefit plan coverage under the group benefits program in the  
1-57 manner and to the extent that an employee of the Texas Department of  
1-58 Criminal Justice would be entitled to coverage, except that this  
1-59 section does not entitle the person's spouse or other dependent or  
1-60 family member to coverage.

1-61 SECTION 5. The change in law made by this Act applies to a  
1-62 person the comptroller of public accounts has determined to be  
1-63 eligible for compensation as provided by Subsection (b), Section

2-1 103.051, Civil Practice and Remedies Code, regardless of whether  
2-2 the eligibility determination is made before, on, or after the  
2-3 effective date of this Act.

2-4 SECTION 6. This Act takes effect September 1, 2012.

2-5

\* \* \* \* \*