

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

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

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

IN RE: HB417 by Anchia (Relating to claims for compensation for wrongful imprisonment.), As
Passed 2nd House

The bill would have a negative fiscal implication to the State based on the future number of persons seeking compensation for wrongful imprisonment; however, the future number of persons seeking compensation is unknown so the fiscal impact of the bill cannot be determined.

The bill would amend various sections of the Civil Practice and Remedies Code to amend the processes related to providing compensation to persons who have been wrongfully imprisoned. The bill would add conditions of eligibility for compensation for wrongful imprisonment. A person who has been granted relief in accordance with a writ of habeas corpus that is based on a court finding that the person is innocent or the state district court charge against the person has been dismissed and the dismissal order is based on a state's attorney's motion to dismiss as a result of the existence of no credible evidence and the state's attorney's belief that the person is innocent of the crime, would be eligible for compensation for wrongful imprisonment. A person seeking compensation would be required to file not later than the third anniversary of the date the person received a pardon; the date the person's application for a writ of habeas corpus was granted; or an order of dismissal was signed. The bill would repeal Section 501.091 of the Government Code and would replace it with a new Section 501.091 to align the statute with the revisions to the Civil Practice and Remedies Code.

The bill would amend the Civil Practice and Remedies Code to require that a person entitled to compensation for wrongful imprisonment is eligible for group health insurance as if the person were a Department of Criminal Justice (TDCJ) employee. The claimant would be eligible to receive coverage for a period of time equal to the period of time the claimant served for the crime for which the claimant was wrongfully imprisoned and the claimant's dependents or family members would not be eligible for coverage. The claimant would be required to pay a monthly contribution equal to the amount of monthly contribution for the same coverage paid by a TDCJ employee. The bill would amend the Government Code and the Insurance Code, to correspond with the revision to the Civil Practice and Remedies Code.

The bill would outline the procedures required for a claimant to apply for coverage under the TDCJ health insurance plan. The bill would require a statement by the Comptroller that the claimant is eligible for compensation.

The bill could increase the number of applications for compensation. Compensation is currently paid at \$80,000 multiplied by the number of years of wrongful imprisonment and \$25,000 per year for time served on parole or as a registered sex offender. Compensation also includes compensation for child support payments owed by the person. Since the number of persons who may apply for compensation and health benefits based on the provisions of the bill and the conditions of the potential compensation cannot be determined, the impact of the bill cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, GG, AI