

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 13, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

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

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

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, therefore, 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 a condition of eligibility for compensation for wrongful imprisonment. A person who has been granted relief in accordance with a writ of habeas corpus; and 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. 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 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 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