

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 2, 2015

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB638 by Anchia (Relating to annuity payments to the surviving spouse of a person wrongfully imprisoned.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB638, As Introduced: a negative impact of (\$650,000) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$325,000)
2017	(\$325,000)
2018	(\$325,000)
2019	(\$325,000)
2020	(\$325,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
	1
2016	(\$325,000)
2017	(\$325,000)
2018	(\$325,000)
2019	(\$325,000)
2020	(\$325,000)

Fiscal Analysis

The bill would amend the Civil Practice and Remedies Code to transfer the annuity payments of a person who was wrongfully imprisoned to that person's spouse upon his or her death for the remainder of the spouse's life with final termination upon death of that person's surviving spouse.

The provisions of the bill would apply to an annuity of a person who dies on or after the effective date of the bill.

The bill would take effect September 1, 2015.

Methodology

The Comptroller of Public Accounts anticipates the bill would cost approximately \$8.1 million over the next 25 years or \$325,000 per fiscal year. This cost is based on current annuity payments of \$427,000 per month, or \$5,124,000 per year, to 80 persons wrongfully imprisoned. The cost assumes 45 percent of wrongfully imprisoned persons will be married at the time of death based on national marriage statistics, that the average age of wrongfully imprisoned persons is 49.3 years, and that the spouse will live an additional 42 months.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, FR, MW, GDz, LCO