

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 25, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB236 by Anchia (Relating to equalizing compensation for certain wrongfully imprisoned persons.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB236, As Introduced: a negative impact of (\$14,500,000) through the biennium ending August 31, 2019.

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
2018	(\$14,500,000)
2019	\$0
2020	\$0
2021	\$0
2022	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
	1
2018	(\$14,500,000)
2019	\$0
2020	\$0
2021	\$0
2022	\$0

Fiscal Analysis

The bill would add new Section 103.0521 to Chapter 103 of the Civil Practice and Remedies Code, which would entitle a person who received wrongful imprisonment compensation under Chapter 103 before September 1, 2009 to an equalizing compensation payment. The amount of the payment would be a calculation of the present value sum equal to the amount the person would

receive under Section 103.052(a) and (b) if the person were to receive compensation under those sections on September 1, 2009, less the total amount of money received by the person under Section 103.052 before September 1, 2009. The person seeking equalizing compensation would be required to file an application with the Comptroller not later than September 1, 2020 and the Comptroller would be required to make the payment not later than the 30th day after the date the Comptroller determines the claimant is eligible to receive the equalizing compensation payment. Section 103.0521 of the bill would expire on September 1, 2021.

Methodology

For claimants eligible for an equalizing compensation payment under the bill, the Comptroller would recalculate lump sum compensation amounts paid prior to the Tim Cole Act's effective date of September 1, 2009. The cost to the state would be \$14.5 million in General Revenue based on a recalculation of 49 claimants' lump sum awards paid prior to September 1, 2009.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

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