

BILL ANALYSIS

Senate Research Center
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S.B. 1151
By: Huffman
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under the Tim Cole Act, the comptroller of public accounts of the State of Texas (comptroller) is responsible for the annuity payments to those who receive wrongful imprisonment compensation. Statute requires the claimant's compensation payments to be terminated if he/she is convicted of a felony. Currently, the office of the comptroller relies on another agency to confirm if any of the claimants have been convicted of a felony. Because the comptroller's office immediately terminates the monthly payments once it receives notification of a felony conviction, it is imperative that the information is accurate and the agency receives it in a timely manner.

This bill would grant the comptroller's office access to the Department of Public Safety's Criminal Justice Information Service System so that the agency could perform an administrative search on wrongfully imprisoned compensation claimants. By granting the comptroller's office the authority to perform an administrative search on these claimants, the agency will be able to track potential convictions and if necessary, terminate the payments immediately.

As proposed, S.B. 1151 amends current law relating to the comptroller's access to criminal history record information of wrongfully imprisoned persons.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.109(a), Government Code, as follows:

(a) Entitles the comptroller of public accounts of the State of Texas (comptroller) to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS that the comptroller believes is necessary for the enforcement or administration of certain chapters of law, among which is Chapter 103 (Compensation to Persons Wrongly Imprisoned), Civil Practice and Remedies Code, including criminal history record information that relates to a person who is:

(1)–(3) makes no changes to these subdivisions;

(4)–(5) makes nonsubstantive changes to these subdivisions; or

(6) receiving, scheduled to receive, or applying to receive compensation under Chapter 103, Civil Practice and Remedies Code.

SECTION 2. Effective date: upon passage or September 1, 2019.