86R20738 BRG-D

By:  Anchia, Zerwas, Rose, Schaefer, Longoria, H.B. No. 4153

     et al.

Substitute the following for H.B. No. 4153:

By:  Longoria C.S.H.B. No. 4153

A BILL TO BE ENTITLED

AN ACT

relating to the compensation and benefits of persons wrongfully imprisoned.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 103.001(d), Civil Practice and Remedies Code, is amended to read as follows:

(d)  Subject to this section, a person entitled to compensation under Subsection (a) is also eligible to obtain group health benefit plan coverage through the Texas Department of Criminal Justice as if the person were an employee of the department. The [~~This subsection does not entitle the~~] person's spouse and dependents may be included in the person's [~~or other dependent or family member to group health benefit plan~~] coverage as if the person were an employee of the department. Coverage may be obtained under this subsection for a period of time equal to the total period the claimant served for the crime for which the claimant was wrongfully imprisoned, including any period during which the claimant was released on parole or to mandatory supervision or required to register under Chapter 62, Code of Criminal Procedure. A person who elects to obtain coverage under this subsection shall pay a monthly contribution equal to the total amount of the monthly contributions for that coverage for an employee of the department.

SECTION 2.  Section 103.0535, Civil Practice and Remedies Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d)  An election under this section must be made not later than the 45th day after the date:

(1)  on which the claimant files with the comptroller the application required by Section 103.051; or

(2)  on which the claimant experiences one of the following life-changing events:

(A)  a change in the employment status of the claimant or a spouse, dependent, or beneficiary of the claimant;

(B)  marriage or divorce of the claimant;

(C)  the addition of a dependent of the claimant; or

(D)  the death of a dependent, spouse, or beneficiary of the claimant.

(d-1)  An election under Subsection (d) must be made on a form prescribed by the comptroller that:

(1)  identifies the claimant's spouse or designated beneficiary according to Section 103.0536; and

(2)  specifies the option selected under Subsection (c).

SECTION 3.  A person who, before the effective date of this Act, obtained group health benefit plan coverage under Section 103.001(d), Civil Practice and Remedies Code, as the law existed before the effective date of this Act, may elect to include the person's spouse and dependents in the person's coverage as provided by Section 103.001(d), Civil Practice and Remedies Code, as amended by this Act. An election under this section must be made:

(1)  not later than March 1, 2020; or

(2)  during any subsequent open enrollment period applicable to employees of the Texas Department of Criminal Justice.

SECTION 4.  (a) Notwithstanding Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act, a person entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, who started receiving annuity payments before the effective date of this Act may elect to receive any remaining payments as alternative annuity payments under Section 103.0535, Civil Practice and Remedies Code, as amended by this Act, by filing the form described by Section 103.0535(d-1), Civil Practice and Remedies Code, as added by this Act, with the comptroller after December 31, 2019, and before March 1, 2020. The value of alternative annuity payments elected under this subsection must be actuarially equivalent to the remaining value of the annuity payments the person would receive absent the election. This subsection does not affect the ability of a person described by this subsection to make an election under Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act, following a life-changing event described by that subsection.

(b)  Not later than December 1, 2019, the comptroller shall provide notice to all persons entitled to compensation under Section 103.001(a), Civil Practice and Remedies Code, of:

(1)  the opportunity described by Subsection (a) of this section to elect to receive alternative annuity payments under Section 103.0535, Civil Practice and Remedies Code, as amended by this Act;

(2)  the opportunity to elect to receive alternative annuity payments after a life-changing event under Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act; and

(3)  the opportunity to obtain group health benefit plan coverage for a spouse or dependent under Section 103.001(d), Civil Practice and Remedies Code, as amended by this Act.

(c)  The comptroller shall provide the notice required by Subsection (b) of this section by:

(1)  certified mail to a person's last known address; and

(2)  phone call to the phone number that the comptroller has on file for the person.

SECTION 5.  This Act takes effect September 1, 2019.