

By: Anchia, Zerwas, Rose, Schaefer, Longoria,
et al.

H.B. No. 4153

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

1 Code, is amended by amending Subsection (d) and adding Subsection
2 (d-1) to read as follows:

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

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

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

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

11 (B) marriage or divorce of the claimant;

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

13 or

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

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

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

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

22 SECTION 3. A person who, before the effective date of this
23 Act, obtained group health benefit plan coverage under Section
24 103.001(d), Civil Practice and Remedies Code, as the law existed
25 before the effective date of this Act, may elect to include the
26 person's spouse and dependents in the person's coverage as provided
27 by Section 103.001(d), Civil Practice and Remedies Code, as amended

1 by this Act. An election under this section must be made:

2 (1) not later than March 1, 2020; or

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

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

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

26 (1) the opportunity described by Subsection (a) of
27 this section to elect to receive alternative annuity payments under

1 Section 103.0535, Civil Practice and Remedies Code, as amended by
2 this Act;

3 (2) the opportunity to elect to receive alternative
4 annuity payments after a life-changing event under Section
5 103.0535(d), Civil Practice and Remedies Code, as amended by this
6 Act; and

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

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

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

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

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