

By: Anchia

H.B. No. 4153

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the election of alternative annuity payments payable to
3 surviving spouses and designated beneficiaries of persons
4 wrongfully imprisoned.

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

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

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

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

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

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

17 (B) marriage or divorce of the claimant;

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

19 or

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

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

24 (1) identifies the claimant's spouse or designated

1 beneficiary according to Section 103.0536; and

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

4 SECTION 2. (a) Notwithstanding Section 103.0535(d), Civil
5 Practice and Remedies Code, as amended by this Act, a person
6 entitled to compensation under Section 103.001(a), Civil Practice
7 and Remedies Code, who started receiving annuity payments before
8 the effective date of this Act may elect to receive any remaining
9 payments as alternative annuity payments under Section 103.0535,
10 Civil Practice and Remedies Code, as amended by this Act, by filing
11 the form described by Section 103.0535(d-1), Civil Practice and
12 Remedies Code, as added by this Act, with the comptroller after
13 December 31, 2019, and before March 1, 2020. The value of
14 alternative annuity payments elected under this subsection must be
15 actuarially equivalent to the remaining value of the annuity
16 payments the person would receive absent the election. This
17 subsection does not affect the ability of a person described by this
18 subsection to make an election under Section 103.0535(d), Civil
19 Practice and Remedies Code, as amended by this Act, following a
20 life-changing event described by that subsection.

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

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

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

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

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

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

11 SECTION 3. This Act takes effect September 1, 2019.