

AN ACT

relating to the comptroller's access to criminal history record information of wrongfully imprisoned persons and certain annuity payments payable to surviving spouses and designated beneficiaries of those persons.

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

SECTION 1. 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) marriage or divorce of the claimant;

(B) the addition of a dependent of the claimant;

or

(C) 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

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

3           SECTION 2. Section 411.109(a), Government Code, is amended  
4 to read as follows:

5           (a) The comptroller is entitled to obtain from the  
6 department criminal history record information maintained by the  
7 department that the comptroller believes is necessary for the  
8 enforcement or administration of Chapter 103, Civil Practice and  
9 Remedies Code, or Chapter 151, 152, 154, 155, or 162, Tax Code,  
10 including criminal history record information that relates to a  
11 person who is:

12           (1) an applicant for a permit under any of those  
13 chapters;

14           (2) a permit holder under any of those chapters;

15           (3) an officer, director, stockholder owning 10  
16 percent or more of the outstanding stock, partner, owner, or  
17 managing employee of an applicant or permit holder under any of  
18 those chapters that is a corporation, association, joint venture,  
19 syndicate, partnership, or proprietorship;

20           (4) believed to have violated any of those chapters;  
21 ~~[or]~~

22           (5) being considered by the comptroller for employment  
23 as a peace officer; or

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

27           SECTION 3. (a) Notwithstanding Section 103.0535(d), Civil

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

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

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

24 (2) the opportunity to elect to receive alternative  
25 annuity payments after a life-changing event under Section  
26 103.0535(d), Civil Practice and Remedies Code, as amended by this  
27 Act.

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

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

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

7           SECTION 4. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2019.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1151 passed the Senate on April 11, 2019, by the following vote: Yeas 31, Nays 0; May 23, 2019, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 23, 2019, House granted request of the Senate; May 26, 2019, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1151 passed the House, with amendments, on May 17, 2019, by the following vote: Yeas 146, Nays 0, one present not voting; May 23, 2019, House granted request of the Senate for appointment of Conference Committee; May 26, 2019, House adopted Conference Committee Report by the following vote: Yeas 145, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor