

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 19, 2019**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** SB1151 by Huffman (Relating to the comptroller's access to criminal history record information of wrongfully imprisoned persons.), **As Passed 2nd House**

**The fiscal impact of the bill cannot be estimated at this time. The bill could result in savings to the General Revenue Fund by reducing erroneously made wrongful imprisonment payments. Alternatively, the bill could result in an indeterminate cost due to the unknown number of claimants who would elect to receive a reduced annuity under the provisions of the bill.**

The bill would amend Chapter 411 of the Government Code to add that the Comptroller of Public Accounts (CPA) is entitled to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS for the purpose of administration of Chapter 103 of the Civil Practice and Remedies Code, relating to compensation to persons wrongfully imprisoned. Based on the analysis of the CPA, the provisions of the bill could result in savings from the reduction of erroneous wrongful imprisonment payments by providing the CPA more timely access to criminal history records of affected individuals, which could result in termination of the payments. However, that savings cannot be estimated. The DPS estimates a small increase in receipts from fees to be collected by providing additional background checks for the CPA.

The bill would amend the Civil Practices and Remedies Code as it relates to compensation to persons wrongfully imprisoned. The bill would allow a person entitled to compensation for being wrongfully imprisoned who is eligible for health benefits coverage to include the person's spouse and dependents in the person's health benefits coverage. The bill would also expand the circumstances in which the person can elect to receive reduced alternative annuity payments. Under current law, a claimant can elect to receive reduced alternative annuity payments if the election is made not later than the 45th day after the date on which the claimant files with the Comptroller an application for compensation. The bill would additionally authorize a claimant to elect to receive the alternative annuity payments upon a life-changing event, as defined by the bill.

The bill would allow a person who obtained health benefit plan coverage before the effective date of the bill to elect to include the person's spouse and dependents in the person's health benefit plan coverage by March 1, 2020 or during any subsequent open enrollment period applicable to employees of the Texas Department of Criminal Justice. The bill would allow a person who started receiving payments before the effective date of the bill to elect to receive any remaining payments as alternative annuity payments. The bill would require the Comptroller to provide notice to certain persons not later than December 1, 2019.

Based on the analysis of the Employees Retirement System, any additional costs to provide health benefits coverage to spouses and dependents of claimants would have a minimal cost to the Group Benefits Program that could be absorbed using existing resources.

The bill would establish additional circumstances for which a claimant could elect to receive a reduced annuity which could be passed on to a spouse or beneficiary upon the claimant's death. Because the number of claimants who would elect to receive a reduced annuity under the additional circumstances added by the bill are unknown, the additional cost to the state cannot be estimated.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 327 Employees Retirement System,  
696 Department of Criminal Justice

**LBB Staff:** WP, LCO, KFB, KK, NV