

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

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 and certain annuity payments payable to surviving spouses and designated beneficiaries of those persons.), **Conference Committee Report**

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 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 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, 405 Department of Public Safety

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