

BILL ANALYSIS

Senate Research Center
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H.B. 1455
By: Anchía et al. (Johnson)
Jurisprudence
5/8/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2009, H.B. 1736 (the Tim Cole Act) created an exoneree compensation regime for innocent people in Texas who had been wrongfully incarcerated. In 2011, H.B. 417 made these innocent exonerees eligible to receive the same health benefits afforded to employees of the Texas Department of Criminal Justice (TDCJ) for a period equal to the time they were wrongfully imprisoned.

Unfortunately, for many exonerees, finding stable employment that provides health insurance for their families after they are released from prison is very difficult. H.B. 1455 seeks to address this issue and allow the state to better meet the needs of innocent Texans who were wrongfully imprisoned by making spouses and dependents of these exonerees also eligible to receive the same health benefits afforded to employees of TDCJ.

Key provisions:

- Amends Section 103.001(d), Civil Practice and Remedies Code, to provide that an exoneree's spouse and dependents may be included in the exoneree's health benefit plan from TDCJ.
- Amends Section 1551.115, Insurance Code, to authorize health benefit plan coverage for the exoneree's spouse and dependents.

Support:

- Texas Civil Rights Project
- Innocence Project

H.B. 1455 amends current law relating to health care benefits of persons wrongfully imprisoned.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 103.001(d), Civil Practice and Remedies Code, as follows:

(d) Authorizes the spouse and dependents of a person entitled to certain health care benefits to be included in the person's coverage as if the person were an employee of the Texas Department of Criminal Justice (TDCJ). Deletes existing text providing that this subsection does not entitle the person's spouse or other dependent or family member to group health benefit plan coverage.

SECTION 2. Amends Section 1551.115, Insurance Code, as follows:

Sec. 1551.115. PARTICIPATION BY WRONGFULLY IMPRISONED PERSONS. Authorizes the spouse and dependents of a person entitled to certain health benefits to be included in the person's coverage as if the person were an employee of TDCJ. Deletes

existing text providing that this section does not entitle the person's spouse or other dependent or family member to coverage. Makes a nonsubstantive change.

SECTION 3. Authorizes a person who, before the effective date of this Act, obtained group health benefit plan coverage under Section 103.001(d), Civil Practice and Remedies Code, and Section 1551.115, Insurance Code, as those laws existed before the effective date of this Act, to elect to include the person's spouse and dependents in the person's coverage as provided by Section 103.001(d), Civil Practice and Remedies Code, and Section 1551.115, Insurance Code, as amended by this Act. Requires that an election under this section be made not later than March 1, 2024, or during any subsequent open enrollment period applicable to employees of TDCJ.

SECTION 4. Effective date: September 1, 2023.