

BILL ANALYSIS

C.S.H.B. 4153
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Appropriations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls to provide a person entitled to compensation for wrongful imprisonment who is already receiving annuity payments with another opportunity to elect to receive any remaining payments as alternative annuity payments. There have also been calls to provide a person entitled to such compensation with the opportunity to make such an election after experiencing certain life-changing events and an opportunity to include their spouse and beneficiaries in their group health benefit plan coverage. C.S.H.B. 4153 seeks to provide those opportunities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4153 amends the Civil Practice and Remedies Code to authorize the spouse and dependents of a person entitled to compensation for wrongful imprisonment to be included in the group health benefit plan coverage for which the person qualifies on the basis of entitlement to that compensation as if the spouse and dependents were employees of the Texas Department of Criminal Justice (TDCJ). The bill authorizes a person who obtained such coverage before the bill's effective date to elect to include the person's spouse and dependents in the person's coverage. The bill requires such an election to be made not later than March 1, 2020, or during any subsequent open enrollment period applicable to TDCJ employees.

C.S.H.B. 4153 authorizes a person entitled to compensation for wrongful imprisonment to elect to receive reduced alternative annuity payments instead of standard annuity payments after the general deadline for making such an election if the claimant experiences one of the following life-changing events and makes the election not later than the 45th day after the date of the event:

- a change in the employment status of the claimant or a spouse, dependent, or beneficiary of the claimant;
- marriage or divorce of the claimant;
- the addition of a dependent of the claimant; or
- the death of a dependent, spouse, or beneficiary of the claimant.

C.S.H.B. 4153 authorizes a person entitled to compensation for wrongful imprisonment who started receiving annuity payments before the bill's effective date to elect to receive any remaining payments as alternative annuity payments by filing the applicable form with the comptroller of public accounts after December 31, 2019, and before March 1, 2020. The bill requires the value of the alternative annuity payments to be actuarially equivalent to the remaining value of the annuity payments the person would receive absent the election. The bill's provisions expressly do not affect the ability of a person to make an election to receive alternative annuity payments following an applicable life-changing event described by the bill.

C.S.H.B. 4153 requires the comptroller, not later than December 1, 2019, to provide notice to all persons entitled to compensation for wrongful imprisonment of the following opportunities:

- the opportunity to elect to receive alternative annuity payments during the limited time period prescribed by the bill;
- the opportunity to elect to receive alternative annuity payments after an applicable life-changing event; and
- the opportunity to obtain group health benefit plan coverage for a spouse or dependent.

The bill requires the comptroller to provide the notice by certified mail to a person's last known address and by phone call to the phone number that the comptroller has on file for the person.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4153 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute authorizes the spouse and dependents of a person entitled to compensation for wrongful imprisonment to be included in the person's group health benefit plan coverage and provides for a person already receiving such coverage to elect to include their spouse and dependents in their coverage.

The substitute requires the comptroller to provide notice to persons entitled to compensation for wrongful imprisonment of the opportunity to obtain coverage for a spouse or dependent.