

BILL ANALYSIS

Senate Research Center

S.B. 1151
By: Huffman
State Affairs
6/13/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under the Tim Cole Act, the comptroller of public accounts of the State of Texas (comptroller) is responsible for the annuity payments to those who receive wrongful imprisonment compensation. Statute requires the claimant's compensation payments to be terminated if he/she is convicted of a felony. Currently, the Office of the Comptroller relies on another agency to confirm if any of the claimants have been convicted of a felony. Because the comptroller's office immediately terminates the monthly payments once it receives notification of a felony conviction, it is imperative that the information is accurate and the agency receives it in a timely manner.

This bill would grant the comptroller's office access to the Department of Public Safety of the State of Texas' Criminal Justice Information Service System so that the agency could perform an administrative search on wrongfully imprisoned compensation claimants. By granting the comptroller's office the authority to perform an administrative search on these claimants, the agency will be able to track potential convictions and, if necessary, terminate the payments immediately. (Original Author's/Sponsor's Statement of Intent)

As proposed, S.B. 1151 amends current law 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.

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 103.0535, Civil Practice and Remedies Code, by amending Subsection (d) and adding Subsection (d-1), as follows:

(d) Requires an election under this section to be made not later than the 45th day after the date:

(1) creates this subdivision from existing text and makes a nonsubstantive change;
or

(2) on which the claimant experiences one of certain life-changing events.

(d-1) Creates this subsection from existing text. Requires an election under Subsection (d) to be made on a form prescribed by the comptroller of public accounts of the State of Texas (comptroller) that contains certain information.

SECTION 2. Amends Section 411.109(a), Government Code, as follows:

(a) Entitles the comptroller to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS that the comptroller believes is necessary for the enforcement or administration of certain chapters of law,

among which is Chapter 103 (Compensation to Persons Wrongly Imprisoned), Civil Practice and Remedies Code, including criminal history record information that relates to a person who is:

(1)–(3) makes no changes to these subdivisions;

(4)–(5) makes nonsubstantive changes to these subdivisions; or

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

SECTION 3. (a) Authorizes a person, notwithstanding Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act, to compensation under Section 103.001(a) (relating to entitling a person to compensation if they meet certain criteria), Civil Practice and Remedies Code, who started receiving annuity payments before the effective date of this Act to elect to receive any remaining payments as alternative annuity payments under Section 103.0535 (Alternative Annuity Compensation), Civil Practice and Remedies Code, as amended by this Act, by filing the form described by Section 103.0535(d-1), Civil Practice and Remedies Code, as added by this Act, with the comptroller after December 31, 2019, and before March 1, 2020. Requires the value of alternative annuity payments elected under this subsection to be actuarially equivalent to the remaining value of the annuity payments the person would receive absent the election. Provides that this subsection does not affect the ability of a person described by this subsection to make an election under Section 103.0535(d), Civil Practice and Remedies Code, as amended by this Act, following a life-changing event described by that subsection.

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

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

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

(c) Requires the comptroller to provide the notice required by Subsection (b) of this section 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.

SECTION 4. Effective date: upon passage or September 1, 2019.