

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 5, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1736** by Anchia (Relating to compensation of and services to persons wrongfully imprisoned.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Chapter 103 of the Civil Practice and Remedies Code relating to the administration of wrongful imprisonment compensation to certain persons. The bill eliminates a person's right to file suit for compensation for wrongful imprisonment, and allows for the person, or the person's heirs, legal representatives, and estate if the person is deceased, to seek compensation by filing an application with the Comptroller. The bill would add two methods of verification of eligibility, and would amend Section 103.052 of the Code to set compensation, for all cases, to \$80,000 for each year served in prison and would be prorated for a partial year. Claimants would be entitled to receive \$25,000 for each year on parole or as a registered sex offender, and would be prorated for a partial year. The bill would also require the Comptroller to make equal monthly payments to claimants based on an annuity derived from the present value sum of the wrongful imprisonment compensation, interest, and other actuarial considerations at the Comptroller's discretion.

The bill would amend the Government Code by requiring the Texas Department of Criminal Justice (TDCJ) to provide reentry and reintegration services for a wrongfully imprisoned person. The bill would include a person who has served wholly or partly a sentence operated by or under contract with TDCJ and has received a pardon for innocence for the crime for which the person was sentenced or otherwise been granted relief because of being innocent of the crime. Also, the bill would require TDCJ to develop a reentry and reintegration plan that would include life-skills, job, and vocational training for a wrongfully imprisoned person following discharge, for as long as the services are beneficial. The bill would require TDCJ to provide the following to the wrongfully imprisoned person: a state identification card and financial assistance to aid in covering living expenses following discharge, not to exceed \$10,000. The bill would provide that the amount of the financial assistance shall be deducted from compensation provided or damages awarded the person under the Civil Practice and Remedies Code. The bill would allow TDCJ to contract with a private vendor or other entity to implement the comprehensive reentry and reintegration services.

The bill would also require TDCJ to develop a plan for the wrongfully imprisoned person for meeting the long-term treatment and rehabilitative needs, including medical care and mental health services at no cost for the remainder of the person's lifetime. The bill would require the plan to include, at no cost, dental services for two years following the person's discharge date and mental health and other health counseling services for three years following the person's discharge date.

The bill would take effect September 1, 2009, and would only affect applications or claimants due to receive compensation on or after that date.

Based on historical data, the Comptroller estimates that the provisions of the bill would result in approximately an additional \$680,000 in payments annually to claimants. The Comptroller reports that the projection would depend on the actual number of claimants and whether they utilized the additional benefits. The Office of the Attorney General (OAG) reports that the bill would not

appreciably increase the OAG's workload, if at all, and anticipates any additional work resulting from the bill could be absorbed with current resources. The Texas Department of Criminal Justice has determined that the bill would currently apply to a small number of persons and costs associated with implementing the bill would not be significant .

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 327 Employees Retirement System, 696 Department of Criminal Justice, 758 Texas State University System

**LBB Staff:** JOB, KJG, ESi, MS, GG, SDO, DEH