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**FACT SHEET 2013**

**H.B. 361**

## **Allow Spouses and Dependents of Wrongfully Incarcerated Individuals To Purchase Health Insurance Offered to TDCJ Employees**

### **WRONGFUL CONVICTIONS CAUSE MATERIAL, EMOTIONAL, AND PHYSICAL PROBLEMS FOR SPOUSES AND DEPENDENTS**

Texas leads the nation in exonerations of the wrongfully convicted,<sup>1</sup> and it has been taking steps to compensate exonerees who have suffered because of the state's mistake. In 1985, the Texas Legislature enacted S.B. 797, which created Chapter 103 of the Civil Practice and Remedies Code, governing compensation for wrongful imprisonment. Since then, provisions of Chapter 103 have been amended to ease certain restrictions for those seeking to receive compensation and to grant additional privileges, **such as health insurance benefits.**<sup>2</sup>

However, the **families** of the person wrongfully convicted also suffer, and those problems often linger after innocence has been established and the exoneree released. Of the 147 Texas exonerees, 139 have been men,<sup>3</sup> many of whom were their family's primary wage earners. The loss of income can place their spouses and dependents, many already living in poverty, into a position where they are forced to choose between paying for basic living expenses or paying expensive insurance premiums. Furthermore, the stress caused by having a loved one falsely imprisoned may itself lead to medical problems in spouses and dependents, including depression, hypertension, heart disease, and post-traumatic stress – all of which require medical treatment.

Texas should allow the dependents and spouses of wrongfully convicted Texans to receive the group health coverage provided to employees of the Texas Department of Criminal Justice (TDCJ), at the same rate as those employees, while still requiring them to pay full premium costs. This will acknowledge the devastating impact of wrongful incarceration on families and provide some help to make them whole.

### **KEY FINDINGS**

- Uninsured children are 20 to 30 percent more likely to lack immunizations, prescription medications, asthma care, and basic dental care. Uninsured children with conditions requiring ongoing medical attention, such as asthma or diabetes, are six to eight times more likely to have unmet health care needs.<sup>4</sup> This can result in long-term medical problems, at great cost to taxpayers.
- Uninsured pregnant women use fewer prenatal services, and uninsured children and adults are less likely than their uninsured counterparts to report having a regular source of care, to see medical providers, or to receive all recommended treatment.<sup>5</sup> Again, this causes significant – while preventable – costs to taxpayers.

### **COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 361 BY REPRESENTATIVES ANCHIA, SMITHEE, McCLENDON, AND SHEETS**

- **H.B. 361 will help dependents and spouses of wrongfully imprisoned individuals access stable health insurance** for the same length of time their loved one was wrongfully in prison and, if applicable, on parole. While family members will still be required to pay full insurance premiums, being allowed onto an existing plan will offer much-needed relief to those who may have had problems acquiring insurance elsewhere, and who may have lingering medical conditions that arose from having a loved one falsely imprisoned. This is a viable step that Texas can take to compensate spouses and dependents for the state's mistake.

*Citations on reverse.*

## Citations

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<sup>1</sup> The Justice Project, *Texas Wrongful Convictions*; <http://www.thejusticeproject.org/texas/texas-wrongful-convictions/>.

<sup>2</sup> See, e.g., [SB 536](#) (2001), [HB 1736](#) and [SB 2014](#) (2009), [SB 1686](#) and [HB 2230](#) (2011, and granting health insurance benefits to exonerees).

<sup>3</sup> Northwestern Law, Center on Wrongful Convictions;

<http://www.law.northwestern.edu/wrongfulconvictions/exonerations>.

<sup>4</sup> “America’s Uninsured Crisis: Consequences for Health and Health Care.” Testimony before the Subcommittee on Health, Committee on House Energy and Commerce, U.S. House of Representatives; Statement of Jack C. Ebeler, Institute of Medicine, The National Academies, on March 10, 2009;

[http://www7.nationalacademies.org/ocga/testimony/Americas\\_Uninsured\\_Crisis.asp](http://www7.nationalacademies.org/ocga/testimony/Americas_Uninsured_Crisis.asp).

<sup>5</sup> Bovbjerg, R. & Hadley, J., *Why Health Insurance is Important*, The Urban Institute, Health Policy Briefs, 2007;

[http://www.urban.org/UploadedPDF/411569\\_importance\\_of\\_insurance.pdf](http://www.urban.org/UploadedPDF/411569_importance_of_insurance.pdf).