

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**March 25, 2003**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB826** by Whitmire (Relating to amending chapter 49, Code of Criminal Procedure, to require timely provision of notice and a report to the attorney general regarding the death of any person residing in an institution and to amending chapter 38, Penal Code, to make it a criminal offense to fail to timely provide such notice and a report; providing a criminal penalty.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure by requiring Institutions to notify the Justice of the Peace and notify the attorney general of an individual's death within 24 hours of the death and prepare and submit a report within 72 hours of their death. The reports would be available to the public unless a portion of the report is exempt from public disclosure or privileged from discovery. The bill states the attorney general may investigate any institution that receives payments through the medical assistance program. The bill would amend the Penal Code by making it a Class B Misdemeanor for a person to fail to provide notice of the death, fail to file the report, or fail to include in a filed report facts known or discovered by the person. This act takes effect September 1, 2003. The Texas Department of Criminal Justice and the Office of the Attorney General have determined that the cost of implementing the provisions of this bill would not be significant.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated. Local governmental entities would incur costs to meet the reporting deadline to the Office of the Attorney General, but these costs are not expected to be significant.

**Source Agencies:** 302 Office of the Attorney General

**LBB Staff:** JK, JO, WK, GG, MS, BL, KG