

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 6, 2005

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

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

IN RE: HB47 by Keel (Relating to imposing a civil penalty on a clerk who fails to make available to the public certain information with respect to an arrest or search warrant.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend article 15.26 of the Code of Criminal Procedure by providing that in those instances where a magistrate's clerk fails to make a copy of an arrest warrant and its accompanying affidavit available for public inspection, the clerk is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect this civil penalty, which would be deposited in the state's general revenue fund. Additionally, the bill would amend article 18.01(b) of the Code of Criminal Procedure by providing that in those instances where a magistrate's clerk fails to make a copy of a search warrant affidavit available for public inspection, the clerk is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect this civil penalty, which would be deposited in the state's general revenue fund.

The Act would take effect on September 1, 2005 and is only applicable to those warrants that are issued on or after that date.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

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