

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

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**February 18, 2005**

**TO:** Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

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

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

**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 county 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 county 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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