

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 8, 2005

TO: Honorable David Swinford, Chair, House Committee on State Affairs

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

IN RE: HB424 by Hughes (Relating to the safety of hotel guests; providing penalties.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would add sections to the Government Code and the Health and Safety Code relating to the safety of hotel guests and provides penalties.

Section 1 of the bill would entitle a hotel employer to obtain from the Department of Public Safety (DPS) criminal history record information that pertains to a person who 1) is an applicant for a position of employment in a hotel to whom an offer of employment is made and 2) may be reasonably required to have access to a guest room in the hotel. The hotel employer would not be able to destroy criminal history record information that relates to a person before the second anniversary of the date the person's employment with the hotel employer ends or the hotel employer determines not to employ the person, as applicable.

Section 2 of the bill would require a person operating a hotel to equip each exterior door with a door viewer. The attorney general or a district or county attorney could investigate alleged violations and enforce a penalty, of not more than \$1,000 for each violation, but not to exceed \$10,000, or provide a remedy. The attorney general or district or county attorney may also file suit against a person for violations and recover reasonable expenses incurred in obtaining an injunction or recovering a civil penalty. The attorney general or a district or county attorney may also file suit to recover a civil penalty against a person who violates an injunction issued. The amount of the civil penalty for each violation may not exceed \$10,000. The total penalty may not exceed \$20,000. Civil penalties collected by a district or county attorney would be deposited to the credit of the compensation to victims of crime fund.

Criminal history record information received by a hotel employer is privileged and would be for the exclusive use of the employer. The attorney general or a district or county attorney may investigate an alleged violation and enforce any penalty, of not more than \$1,000 for each violation, but not to exceed \$10,000, or provide a remedy. The attorney general or a district or county attorney may recover reasonable expenses incurred in obtaining an injunction or recovering a civil penalty. The attorney general or a district or county attorney may also file suit to recover a civil penalty against a person who violates an injunction issued. The amount of the civil penalty for each violation may not exceed \$10,000. The total penalty may not exceed \$20,000. Civil penalties collected by a district or county attorney would be deposited to the credit of the compensation to victims of crime fund.

DPS reports that there would be operational implications; however, these can be accomplished within existing resources.

The bill would take effect September 1, 2005.

Local Government Impact

Costs to local governmental entities to implement the bill would depend on the number of offenders, which would then determine the number of suits filed by a district or county attorney. The district and county attorneys would be allowed to recover expenses incurred in obtaining an injunction or recovering a civil penalty.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

LBB Staff: JOB, SR, VDS, SJ, KJG