

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 4, 2005

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

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

IN RE: SB337 by Carona (Relating to criminal background checks on users of online relationship services; providing a criminal penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Business & Commerce Code as it relates to criminal background checks on users of online relationship services and provides a criminal penalty.

The bill would require an online relationship service provider that offers, provides access to, or promotes online relationship services to a resident of Texas to conduct criminal database searches and federal criminal background checks on a person before initially allowing that person to communicate with another person using the same service. Criminal database searches would be required at least as frequently as once every three months.

The bill would require online relationship service providers that have not conducted a criminal database search or a federal criminal background check on each person who uses the service to disclose the fact. An online relationship service provider that conducts a criminal database search or federal criminal background check for each person who uses the provider's online relationship service would also be required to disclose the fact through a readily accessible link on the home page of the provider's website.

If an online relationship service provider does not exclude from its website all persons identified as having a felony or other sexual offense conviction, the provider shall prominently disclose in the profile of each resident of this state identified as having a felony or other sexual offense conviction a warning that the person has been identified as having a prior criminal conviction.

An online relationship service provider that does not meet these requirements, commits an offense punishable by a fine not to exceed \$250 for each day on which the offense is committed. A person injured as a result of a violation, may bring a civil action to recover 1) court costs and reasonable attorney's fees; and 2) the greater of actual damages or exemplary, special, consequential, and other damages.

The bill would take effect September 1, 2005.

Local Government Impact

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

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: JOB, KJG, VDS, SJ