

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 19, 2007**

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

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

**IN RE: HB2566** by Madden (Relating to a document or instrument filed by an inmate with a court concerning real or personal property. ), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Property Code and provides that when an instrument concerning real or personal property is being recorded, the instrument must include a statement indicating whether the person recording the instrument, or on whose behalf the person is recording the instrument, is an inmate. "Inmate" is defined as any person who is housed in a secure correctional facility. The bill also provides that a document or instrument is presumed to be fraudulent, if the document or instrument purports to create a lien or assert a claim against real or personal property, or an interest in real or personal property, and the document or instrument is filed by an inmate or on behalf of an inmate. The bill would also amend the Government Code to provide a method of rebuttal for a document presumed to be fraudulent. It is assumed that any additional costs associated with implementation of the provisions of the bill could be absorbed within current state resources.

The bill would take effect September 1, 2007.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

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

**LBB Staff:** JOB, ES, JM