

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

**FISCAL NOTE, 82nd LEGISLATURE 1st CALLED SESSION - 2011**  
**Revision 1**

**June 21, 2011**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB41** by Simpson (Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Penal Code as it relates to the prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation. Under the provisions of the bill, certain specified public servants would commit an offense of official oppression if while acting in that capacity, without probable cause to believe the other person committed an offense, perform a search without effective consent for granting access to a publicly accessible building or form of transportation that intentionally, knowingly, or recklessly involves certain touching. The bill would also provide instructions to the prosecution of a defendant who engages in such behavior while acting under color of federal law.

The bill would take effect on the 91st day after the last day of the legislative session.

For this analysis, it is assumed implementing the provisions of the bill would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources of those agencies.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, ESi, GG, LM, SD, ADM