

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 15, 2011

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

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

IN RE: HB1200 by McClendon (Relating to the creation of the offense of improper photography or visual recording of certain identifying information.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Penal Code to create misdemeanor offenses if a person possesses photographs, videotapes or records by other electronic means, identifying information contained on the face or sight order or payment card, or transfers the information to a third party. The offense would be a Class A for possession of information or a Class B for transferring information.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both.

The bill would amend the Code of Criminal Procedure to require a peace officer to file a written report to the law enforcement agency the officer is employed by. The law enforcement agency would be required to provide a copy of the report at the victim's request, and to redact any confidential information from the report prior to providing it to the victim.

The bill would authorize prosecution in the county the offense was committed in or in the victim's county of residence.

According to the Texas Department of Public Safety, no fiscal implication to the State is anticipated.

The bill would take effect September 1, 2011.

Local Government Impact

Costs associated with enforcement, prosecution and confinement, and revenue gain from fines imposed and collected would vary, but are not anticipated to have a significant fiscal implication.

There could be costs associated with the requirement to redact confidential information prior to providing a report to a victim, but those amounts would vary depending on the number of offenses and the procedures a law enforcement agency currently follows. No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ESi, TP