

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 9, 2013

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB80 by Simpson (Relating to official oppression; creating offenses.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Texas Penal Code to make it a criminal offense for a public servant to perform a search without probable cause for the purpose of granting access to a public building or form of transportation, and to touch the anus, sexual organ, buttocks or breast of the other person, including touching through clothing. The bill would also make it an offense if the public servant removes a child younger than 18 years of age from the physical custody or control of a parent or guardian or a person standing in the stead of a parent or guardian of the child, or harasses, delays, coerces, threatens, intimidates or effectively denies or conditions access to the other person because of the other persons' refusal to consent to the unlawful touching.

The Office of the Attorney General (OAG) reported that the bill would subject State Troopers to criminal prosecution for what would otherwise be standard procedure in patting down individuals for weapons. OAG also reported that the bill could increase civil rights claims against State Troopers.

OAG reported that any fiscal impact resulting from the bill could be absorbed with existing resources.

Local Government Impact

Local law enforcement would also have more exposure to claims against officers under the provisions of the bill; however, costs to local governments, if any, would vary depending on future claims.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, AG, KKR