

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 20, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB912 by Gooden (Relating to images captured by unmanned vehicles and unmanned aircraft; providing penalties.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would add Chapter 423 to the Government Code to define "image" captured by an unmanned aircraft, and would create a class C misdemeanor offense if a person uses an unmanned aircraft to capture an image of a person or privately owned real property. The bill would create a Class B misdemeanor for the disclosure, display, distribution or other use of certain related images. The bill would create defenses to prosecution for images captured under specific circumstances as defined by the provisions of the bill. A Class C misdemeanor is punishable by a fine of not more than \$500. A Class B misdemeanor is punishable by confinement in county jail for a term not to exceed 180 days and/or a fine not to exceed \$2,000.

The bill would amend Chapter 542 of the Transportation Code to provide that a person does not violate the law if the police officer's order with which the person failed or refused to follow was to cease filming, recording, photographing, documenting, or observing a police officer while the officer was engaged in performance of official duties. The bill would make this action a defense to a charge of interference with public duties.

The bill would add Chapter 112 to the Civil Practice and Remedies Code to permit a person to recover attorney's fees incurred with the underlying prosecution and the person's actual damages arising from damage by a peace officer to any recording equipment in a civil suit against the governmental employer.

The Office of Court Administration anticipates that the number of civil lawsuits for retaliatory prosecution cases should be minimal and any costs could be absorbed by the state judiciary's existing resources. The Department of Public Safety, the Texas Alcoholic and Beverage Commission, and the Texas Parks and Wildlife Department indicates no fiscal impact to the state.

Local Government Impact

Costs associated with enforcement and prosecution could likely be absorbed within existing resources; and revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact. In addition, local governments would be adversely affected by the costs associated with defending and possibly losing a retaliatory prosecution case; however, because the number of cases is anticipated to be minimal, no significant fiscal impact is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety, 458 Alcoholic Beverage Commission, 802
Parks and Wildlife Department

LBB Staff: UP, SZ, TP, AG, JI, JJO, KKR