

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 30, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1848 by Carter (Relating to certain conditions of, penalties for violating, and collection of information about protective orders issued in certain family violence, sexual assault or abuse, stalking, or trafficking cases.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure to specify that certain individuals are eligible for obtaining a court's protective order. The bill would clarify that a court may prohibit an alleged offender from communicating with the applicant, or any member of the applicant's family or household, except through the applicant's attorney or a person appointed by the court. The bill would amend the Government Code to require the Department of Public Safety's (DPS) bureau of identification and records to obtain pertinent information regarding the conditions of bond imposed on the person to whom the order is directed for the protection of a victim in any family violence, abuse, sexual assault, or stalking case. The bill would also require DPS to create a new Texas-only file in Texas Crime Information Center to collect information on the bond conditions imposed upon an individual when imposed for the protection of a victim of any family violence, sexual assault/sexual abuse, or stalking case.

The bill would authorize DPS to adopt reasonable rules related to active conditions of bond imposed on defendant for protection of a victim in any family violence, sexual assault or abuse, or stalking case, and reporting procedures that ensure that information relating to issuance, modification, or removal of the conditions of bond is reported to the local law enforcement agency at the time of issuance, modification, or removal and entered by local law enforcement agency in the states law enforcement information system.

The bill would amend the Penal Code to add sexual assault/sexual abuse and stalking to the criteria specifying the violations of bond conditions.

It is assumed the provisions of the bill could be implemented within current appropriations. The bill would take effect September 1, 2013.

Local Government Impact

The bill would modify Class A misdemeanors. 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. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, CL, JAW, ESi, AI, JGA, KKR