

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 8, 2013**

**TO:** Honorable René Oliveira, Chair, House Committee on Business & Industry

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2861** by McClendon (Relating to certain business entities engaged in the publication, republication, or other dissemination of mug shots and other information regarding the involvement of an individual in the criminal justice system; providing a civil penalty.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Business and Commerce Code to create a penalty for a business entity that publishes or disseminates criminal record information and receives advertising revenue or other consideration for access to a website or publication to view the criminal record information, and charges a fee to remove, correct or modify the information. If a person or business publishes information in violation of the prohibition, the person or business is liable to the individual who is the subject of the information, for a penalty of \$100 for each day that the violation continues. An individual who is the subject of the information may also request the court grant injunctive relief and may recover court costs and reasonable attorney's fees.

The bill would authorize the Attorney General to bring an action to enjoin a violation of this chapter and to recover a civil penalty of not more than \$1000 for each violation day. A civil penalty collected under this section shall be deposited in the general revenue fund to support the Texas Correctional Office on Offenders with Medical or Mental Impairments.

The bill would take effect immediately if it receives a two-thirds vote of all members in each chamber; otherwise, the bill would take effect September 1, 2013.

**Local Government Impact**

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

**Source Agencies:** 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety

**LBB Staff:** UP, RB, AI, JAW