

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 28, 2013

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB897 by Estes (Relating to the offenses of interference with public duties, required obedience to the order or direction of a police officer, and assault, certain unsuccessful prosecutions therefor, and related civil liability of a governmental unit.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code, Chapter 542 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 also makes this action a defense to a charge of interference with public duties.

The bill would amend the Civil Practice and Remedies Code to permit a person to recover attorney's fees incurred with the underlying prosecution and three times the person's actual damages arising from damage by a peace officer to any recording equipment in a civil suit against the governmental employer. Changes made by the bill would apply only to prosecution of an offense on or after the effective date of the bill. The bill takes effect September 1, 2013.

The Office of Court Administration anticipates that the number of civil lawsuits for retaliatory prosecution cases should be small and any costs would 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 indicate no fiscal impact to the state.

Local Government Impact

Local governments will 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 small, any fiscal impact is not anticipated to be significant.

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, AG, JI, JJO, KKR