

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 13, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1289 by Williams (Relating to certain business entities engaged in the publication of mug shots and other information regarding the involvement of an individual in the criminal justice system; providing a civil penalty.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Business and Commerce Code to require that criminal record information published by certain business entities must be complete and accurate. The bill would establish a process by which a person who is the subject of the criminal history information may dispute the completeness or accuracy of the information.

The bill would require an individual disputing criminal record information published by a business entity to provide the business entity with a noncertified copy of a court order or other document that supports the individual's dispute. The bill would require the business entity to verify the disputed information with an appropriate law enforcement agency free of charge; investigate the dispute; and complete its investigation within 45 days after the later of the receipt of the dispute or the documentation supporting the dispute. If the business finds that the published information is inaccurate or incomplete, it shall promptly remove the inaccurate information. The business must notify the person who launched the dispute within five business days after the investigation is completed.

The bill would establish a civil penalty for not more than \$500 for each violation in cases where a business entity publishes criminal record information it knows to be incomplete or inaccurate. The bill would authorize the Attorney General or an appropriate prosecuting attorney to collect a civil penalty not to exceed \$500 for each violation of this bill's provision. The bill would authorize the Attorney General to bring an action to restrain or enjoin a violation or the threat of a violation. The bill would authorize the Attorney General or an appropriate prosecuting attorney to recover reasonable costs incurred in obtaining injunctive relief or a civil penalty.

The bill would require that actions authorized by the bill would need to be brought to a district court, either in Travis County if the action is brought by the Attorney General, or in a county in which either the business entity or person who is the subject of the criminal record information resides.

The Comptroller has noted the fiscal impact of these penalties on the state cannot be estimated. It is assumed the costs of implementing the provisions of the bill could be absorbed within current

appropriations and that indeterminate potential revenues would not be significant.

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, ESj, AI, JAW