

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 25, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1289 by Williams (Relating to certain business entities engaged in the publication 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 require a business entity to ensure that the criminal record information it publishes or disseminates is 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 business entity is required to investigate the dispute, free of charge and complete its investigation within 45 days. If it 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 \$1,000 for each violation in cases where a business entity publishes criminal record information if it knows the record is the subject of an order of expunction or nondisclosure.

The bill would authorize the Attorney General or an appropriate prosecuting attorney to collect a civil penalty not to exceed \$1,000 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 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, ESi, AI, JAW