

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 19, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB496 by González, Mary (relating to civil and criminal liability for the unlawful disclosure or promotion of certain intimate visual material; creating an offense.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code and the Penal Code to create a new Class A misdemeanor criminal offense for the intentional threat or the act of unlawful disclosure or promotion of intimate visual material. In addition, defendant liability is extended to damages in certain instances resulting from the promotion of intimate visual sexual material depicting a person without their consent with damages awarded to the claimant. The bill would authorize a court to issue a temporary restraining order or a temporary or permanent injunction to restrain and prevent the disclosure or promotion of intimate visual material with damages awarded to the claimant for each time this order is violated. The bill defines the contents of an affirmative defense to prosecution for the offenses created in the bill.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

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 with existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, MW, GDz, KVe