

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 28, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1783 by Moody (Relating to the right of a school employee to report a crime and persons subject to the prohibition on coercing another into suppressing or failing to report information to a law enforcement agency; creating a criminal offense.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would allow any employee of a school district or an open-enrollment charter school who witnessed a crime at the school to report the crime to any peace officer with authority to investigate the crime. School districts and charter schools would be prohibited from adopting policies that required employees to refrain from reporting a crime or requiring that a crime witnessed at school be reported only to certain persons or peace officers.

The bill would amend Section 39.06(a), Penal Code, dealing with misuse of official information. Under current law, a public servant, including a principal of a school, commits an offense if he or she coerces another into suppressing or failing to report information to a law enforcement agency. The bill would clarify that the provision extends to any school administrator.

The bill would require the superintendent or director of a school district, open-enrollment charter school, regional education service center (RESC), or shared services arrangement (SSA) to report to the State Board for Educator Certification (SBEC) criminal records of employees or applicants obtained from sources other than the criminal history clearinghouse; and report an employee who was terminated or resigned based on evidence of certain unlawful acts.

The Texas Education Agency anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

Local Government Impact

The bill would modify a Class C misdemeanor. A Class C misdemeanor is punishable by a fine of not more than \$500. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact. In addition to the fine, punishment can include up to 180 days of deferred disposition.

The bill would clarify reporting requirements, which could lead to additional costs related to

increased reporting or investigations. These costs would vary depending on whether evidence was available related to educator misconduct and the frequency of incidents involving educator misconduct.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 701 Central Education Agency

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