

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 15, 2015

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2486 by Keffer (Relating to the right of a person to enter the person's residence or former residence accompanied by a peace officer to recover certain personal property; creating an offense.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Property Code to permit an individual to apply to a justice court for an order authorizing the person to enter a residence accompanied by a peace officer to retrieve items of personal property. The bill would permit a court to issue an order authorizing the applicant to enter the residence accompanied by a peace officer. The bill provides the definition of "peace officer". Under certain circumstances, a peace officer would be required to provide the occupant of the residence with a copy of the court order authorizing entry. The bill would require a peace officer to create an inventory list of items taken from the residence. The bill specifies a peace officer may use reasonable force in providing assistance and is not civilly liable for certain occurrences while assisting with the order. The bill specifies a landlord who enters into a residence in accordance with a court order is not civilly or criminally liable for an act that arises in facilitating the entry.

The bill creates a Class B misdemeanor for an individual to interfere with a person or peace officer entering a residence and retrieving personal property under the authority of a court order. The bill would permit an occupant of a residence to file a complaint in a court. Upon receiving a complaint, a court would be required to hold a hearing on the complaint and rule on the disposition of the disputed property.

The Office of Court Administration reported no significant fiscal impact is anticipated.

Local Government Impact

The bill would increase the workload of local courts and police departments; however, no significant fiscal implication to units of local government is anticipated.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain 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, AG, SD, EK, FR, CL, AM, JP, KKR