

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 5, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4071 by Burrows (relating to certain body cavity searches conducted by a peace officer.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to prohibit a peace officer from conducting a body cavity search of a person during a period in which the officer is detaining the person unless a magistrate has issued a search warrant authorizing the body cavity search. The bill prescribes requirements of a body cavity search. The bill would specify a peace officer who obtains protected health information while conducting a body cavity search is subject to the same confidentiality requirements and penalties as provided under Chapter 181, Health and Safety Code. Under the provisions of the bill, the law enforcement agency that employs a peace officer who conducts a body cavity search would be liable for any medical expenses incident to the search. The bill specifies evidence of compliance with the standards and provisions of the bill is precedent to the admissibility of evidence obtained during a body cavity search of a person during a traffic stop.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety

LBB Staff: UP, KJo, SD, EK, ESi, AI, JAW