

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 28, 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 a requirement that a peace officer obtain a search warrant before conducting a body cavity search.), **As Introduced**

**No 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 detained or arrested person unless a magistrate has issued a search warrant authorizing the body cavity search. The bill would specify a person who is not arrested and charged with an offense arising out of evidence obtained incident to a body cavity search would not be responsible for medical expenses incident to the body cavity search.

The Department of Public Safety and the Office of Court Administration indicate no fiscal impact to the state is anticipated.

**Local Government Impact**

According to the Sheriff's Association of Texas and the Texas Municipal Police Association, the provisions of the bill would not have a significant fiscal impact and any additional workload can be handled with existing staff and resources.

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

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