

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 1, 2015

TO: Honorable René Oliveira, Chair, House Committee on Business & Industry

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4114 by McClendon (Relating to the publication, republication, or other dissemination of mug shots and other information regarding the involvement of an individual in the criminal justice system; increasing a civil penalty.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Business and Commerce Code to clarify the law in regards to a private and/or law enforcement entity's use of mug shots derived from the records of law enforcement agencies. It is assumed any costs associated with implementing the provisions of the bill could be absorbed within current resources.

The bill would increase the civil penalty imposed on a business entity that publishes, republishes, or otherwise disseminates criminal record information in violation of Chapter 109 of the Business and Commerce Code. The bill would stipulate the civil penalties collected must be used to support the Texas Correctional Office on Offenders with Medical or Mental Impairments under Chapter 614, Health and Safety Code. It is assumed raising the penalty amount will not have a significant fiscal impact.

However, the Comptroller has indicated the bill's stipulation that penalty collections must be used to support the Texas Correctional Office on Offenders with Medical or Mental Impairments would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either within or outside of the Treasury, or create a dedicated revenue source. The Comptroller notes that legislative policy has been to consolidate certain special funds into the General Revenue Fund. The bill's dedication of penalty revenues to support the Texas Correctional Office on Offenders with Medical or Mental Impairments would presumably be subject to funds consolidation review by the current Legislature.

Local Government Impact

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

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: UP, CL, AI, JAW