

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

Revision 1

May 17, 2019

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: SB20 by Huffman (Relating to the prevention of, prosecution of, penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses and to orders of nondisclosure for persons who committed certain of those offenses; regulating occupations to prevent and respond to those criminal offenses, including requiring a student occupational permit for those purposes; authorizing fees; increasing criminal penalties; creating criminal offenses.), **As Engrossed**

The bill would have an indeterminate impact to licenses, penalties, and fines, but is expected to be insignificant. Further, the bill would permit the Department of Public Safety to impose a fee to cover the costs of conducting a criminal history record check of applicants for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor.

The bill would make amendments to several different codes related to the offenses of prostitution, trafficking of persons, and the admissibility of certain evidence and orders of nondisclosures for persons convicted of certain offenses. The bill would allow a judge to suspend certain fines and fees as identified in the bill, increase the penalty for certain prostitution offenses, create new offenses of online promotion of prostitution and aggravated online promotion of prostitution, and increase the penalty of other offenses. Based on information provided by the Comptroller of Public Accounts, there would be an indeterminate fiscal impact to the State from changes made by the bill to fees, fines, and penalties.

The bill would establish guidelines and requirements for the regulation and licensing for massage therapy establishments, schools, students, and therapists. The bill would authorize the Texas Commission on Licensing and Regulation to adopt rules and to take certain actions related to licensing. The bill would prohibit the Texas Department of Licensing and Regulation (TDLR) from issuing a license for massage therapy to a person who does not provide fingerprints for the purposes of obtaining a criminal history record. The bill would authorize TDLR to enter into an agreement with the Department of Public Safety (DPS) to administer a criminal history record information check, which would authorize DPS to collect a fee from each applicant for the check.

Based on the analysis of TDLR, it is assumed that 1,300 massage therapy students would obtain a permit each year and would pay a permit fee of \$25 in addition to fees for criminal history record checks. DPS reports that the fees for background checks include Texas Background Check fees of \$15 and FBI Background Check fees of \$13.25. Based on this information, this analysis assumes that revenues collections of \$52,000 each fiscal year for massage therapy student permit fees and

Texas Background Checks.

Based on the analysis of the Office of Court Administration, the Office of Attorney General, DPS, TDLR, the Department of Criminal Justice, and the Board of Pardons and Paroles, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies. More information is available in the Criminal Justice Impact Statement.

The provisions of the bill related to a permit for massage therapy students would take effect January 1, 2020. The bill would take effect September 1, 2019.

Local Government Impact

Harris County anticipates a fiscal impact to their District Attorney's Office between \$900,000 and \$1.0 million per year for additional prosecutors and a paralegal to handle increased workloads resulting from provisions of the bill.

According to the Bexar County Community Supervision and Corrections Department, they anticipate an increase in caseload and treatment costs of the Department, resulting in an additional estimated expenditure of \$1.5 million to \$2.3 million per year in salary and operating costs.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

LBB Staff: WP, LBO, MW, GDz, SD, CMa, LM, AF, DFR, DA, SPa