

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 13, 2019**

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

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

**IN RE:** **SB20** by Huffman (Relating to the prosecution of, penalties for, and other consequences of prostitution, trafficking of persons, and related criminal offenses, the admissibility of evidence in the prosecutions of those offenses, and orders of nondisclosure for persons who committed certain of those offenses; regulating occupations and property 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 Introduced**

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.

The bill would take effect September 1, 2019. The provisions of the bill related to permits for massage therapy students and to reports maintained by a massage therapy school would take effect January 1, 2020.

### **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.

**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, CMa, MW, GDz, LM, AF, DFR, DA