

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 14, 2021

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB39 by Neave (Relating to protective orders; making conforming changes.), **Committee Report 2nd House, Substituted**

The fiscal implications of the bill cannot be determined because the Department of Public Safety currently does not maintain incarceration information for individuals nor have a method to access that data.

The bill would amend the Family Code to make agreed protective orders civilly and criminally enforceable, to amend the list of persons that may file an application for a protective order, and to require that proof of service on a respondent must be filed before a hearing in which a court may issue a protective order by default due to a respondent's failure to appear.

The bill would also require the Department of Public Safety (DPS) to enter the projected expiration date of a protective order, as well as the expiration date of an order following a person's release from confinement or imprisonment, in its statewide law enforcement information system. The bill would also provide language for protective orders issued under the Family Code subtitle.

DPS indicates that it does not obtain or maintain information related to an individual's incarceration and would need to determine a method to access or query that information in order to update protective order expiration dates. According to analysis provided by the agency, it does not have a process to accumulate the relevant data from over 1,000 jurisdictions across Texas and would require additional personnel and associated resources.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources and no significant impact to the state court system is anticipated.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal impact to counties is anticipated. The fiscal impact to other units of local government is not anticipated to be significant.

Source Agencies: 212 Office of Court Admin, 405 Department of Public Safety

LBB Staff: JMc, DKN, MW, BH, AF, NA