

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 12, 2021

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB135 by Minjarez (Relating to notifying an alleged perpetrator of child abuse or neglect of certain rights in an investigation by the Department of Family and Protective Services; creating a criminal offense.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Family Code to require the Department of Family and Protective Services (DFPS) to inform the alleged perpetrator that they may record the interview and the recording may be subject to subpoena. In addition, the bill would require DFPS to document the notice. The bill would not allow recordings to be posted on an internet website. The offense created by this bill would be a Class C misdemeanor.

The bill would also require DFPS to notify in writing that the person may request an administrative review of the department's findings.

Based on analysis of DFPS, it is assumed that the costs associated with implementing the provisions of the bill could be absorbed using existing resources.

Local Government Impact

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies: 212 Office of Court Admin, 530 Family & Protective Services

LBB Staff: JMc, AKI, JLI, AN