

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 15, 2021

TO: Honorable Chris Turner, Chair, House Committee on Business & Industry

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1647 by Walle (Relating to the dissemination of eviction case information.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Property Code to require court clerks, in an eviction case in which an order granting limited dissemination of eviction case information has not been entered, to allow access to eviction case information only in certain circumstances.

The bill would also amend the Property Code to direct a court to enter an order of limited dissemination of eviction case information making certain eviction case information pertaining to a defendant confidential under certain circumstances. The bill would also permit a court to enter a limited dissemination order in certain circumstances if the court finds limited dissemination of the eviction case information is in the interest of justice and the interest of justice is not outweighed by the public's interest in knowing the eviction case information. In cases where the court would enter a limited dissemination order, the bill would require all courts and court clerks to delete or redact all index references to the defendant's name that relate to the eviction case information from public records and prevents. Except to the extent permitted by federal law, a credit reporting agency and certain persons who collect and disseminate or sell eviction case information would be prohibited from disclosing or using certain case information.

The bill would make a person liable to an injured party for damages and reasonable attorney's fees for knowingly violating the disclosure restrictions. The bill would direct a court to award certain exemplary damages to the injured party irrespective of whether actual damages are awarded. The bill would direct the Supreme Court of Texas to adopt rules necessary to implement the new limited dissemination provision.

Based on information provided by the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources. In addition, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SZ, MW, BH