

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 22, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2335 by Middleton (Relating to civil liability of certain prosecutors for policies related to the prosecution of rioters.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to provide that a prosecutor, including a district attorney, criminal district attorney, or county attorney, is liable in that individual's official capacity for significant physical injury, death, or property damage if the injury, death, or damage was caused by criminal conduct that occurred during a riot, as defined, in the prosecutor's jurisdiction, was a foreseeable outcome of the riot, and the prosecutor had established, at the time of the riot, a formal or informal policy of not prosecuting an individual who engages in criminal conduct as part of a riot. The bill would abolish sovereign immunity to the extent of the liability created by the bill.

Based on information provided by the Office of Court Administration, 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, SLE, MW, BH, GP