

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 19, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB508 by West (Relating to the confidentiality of and discovery procedures relating to certain material regarding the protection or security of a witness; creating a criminal offense.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill makes various changes across statutes related to the confidentiality of and discovery procedures related to certain materials regarding witnesses.

The bill would amend the Code of Criminal Procedure to provide that the state may not produce for the defendant or permit inspection by the defendant of certain materials before the material has been reviewed in camera by a court and the court determines the material must be produced or inspected as required by the US Constitution or is otherwise necessary for a matter before the court.

The bill would provide that a party in a civil case cannot produce or release the material before material has been reviewed in camera by a court and the court determines production or release is necessary for a matter before the court.

The bill would amend the Government Code to provide that information received, made, or kept by an agency or program with the primary purpose of protecting, securing, or relocating witnesses or information in the possession of the state and relating to the protecting, securing, or relocating of a witness is confidential and not subject to disclosure as public information.

The bill would amend the Penal Code to provide that a person commits a Class A misdemeanor offense if the person knowingly discloses any record, claim, writing, document, information, or other material protected by the new provisions added by the bill.

Based on the analysis of the Office of Court Administration and Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing available resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

Local Government Impact

The offense created by the bill would be a Class A misdemeanor. A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

According to the Texas Association of Counties, no significant fiscal impact to counties is anticipated.

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

LBB Staff: JMc, DKN, BH, AF