

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 4, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3657 by Anchía (Relating to notaries public; creating a criminal offense.), **As Introduced**

Creating a new criminal offense may result in additional demands upon state correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement. The fiscal implications of the bill cannot be determined due to lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be subject to criminal penalties.

The bill would add a new good clause element for failure to maintain notary records for 15 years, which permits the Secretary of State to impose disciplinary action upon a notary. The bill would create a criminal offense for knowingly performing a notarization when the person for whom the notarization was performed did not personally appear before the notary public at the time the notarization was executed. The penalty would be a Class A misdemeanor but would increase to a third degree felony if the notarized document involved the transfer of real property. The bill would require the Secretary of State to adopt rules to establish continuing education requirements for notary reappointments.

The impact on state correctional populations or on the demand for state correctional resources cannot be determined due to lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be subject to criminal penalties.

It is assumed that any costs associated with the continuing education requirements may be absorbed using existing resources.

Local Government Impact

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 307 Secretary of State

LBB Staff: JMc, KDw, LBO, MGol