

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 19, 2025

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1960 by Schwertner (Relating to digital replication rights in the voice and visual likeness of individuals; providing private causes of action; authorizing a fee.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1960, As Engrossed: a negative impact of (\$743,301) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2026	(\$675,643)
2027	(\$67,658)
2028	(\$67,658)
2029	(\$67,658)
2030	(\$67,658)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	<i>Change in Number of State Employees from FY 2025</i>
2026	(\$675,643)	1.0
2027	(\$67,658)	1.0
2028	(\$67,658)	1.0
2029	(\$67,658)	1.0
2030	(\$67,658)	1.0

Fiscal Analysis

The bill would establish digital replication rights as property rights. The bill would require postmortem digital replication rights holders to register with the Secretary of State to renew these rights under the bill.

The bill would create private causes of action related to the unauthorized use of digital replicas of an individual's voice or visual likeness and establish remedies including injunctive relief, statutory damages, actual damages, and punitive damages.

Methodology

The bill would require the Secretary of State (SOS) to develop and maintain a database of postmortem digital replication rights registered with the agency. The agency indicates an ongoing cost of \$67,658 for 1.0 FTE (License and Permit Specialist III) would be needed to implement the provisions of the bill. The FTE would review filings involving postmortem digital replication rights and fulfill the SOS's obligations related to the public directory of filed registrations

The bill specifies that the SOS may impose a filing fee on registrations of postmortem digital replication rights in an amount necessary to cover the administration costs of the SOS directory. However, the number of filings that would be submitted to the SOS under this bill is unknown at this time. Thus, the SOS is unable to estimate the amount of fees that the agency would recover from right holders for inclusion in the public directory.

The Office of the Attorney General indicates any legal work required to enforce the provisions of the bill could be absorbed using existing resources.

The Comptroller's Office indicates there would be no significant fiscal impact to the agency as a result of the bill.

The Office of Court Administration is unable to project what fiscal impact, if any, the bill's provisions will have on the state court system.

Technology

The Secretary of State indicates a onetime technology cost of \$600,000 in fiscal year 2026 would be required to establish an application system and database to implement 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 Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 307 Secretary of State

LBB Staff: JMc, KDw, JKe, RStu, LCO