

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 22, 2003

TO: Honorable Phil King, Chair, House Committee on Regulated Industries

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2121 by Wilson (Relating to the criminal and civil consequences of conduct involving the theft of or tampering with certain communication or information services.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend provisions of the Penal Code related to offenses involving the theft of or tampering with communication or information services. Several provisions of the bill would clarify the conditions that must be met for prosecuting various offenses involving tampering with communication services and the possession, manufacture, sale or lease of illegal communication devices or unauthorized access devices.

The bill would enhance the punishment for the possession or use of an illegal communication device or unauthorized access device from a Class A misdemeanor to a state jail felony if the offense is committed with respect to five or more unauthorized devices in a single criminal episode.

The bill would also enhance the punishment for the manufacture, distribution, sale, lease, or advertisement of an illegal communication device or unauthorized access device from a Class A misdemeanor to a state jail felony depending on the number of unauthorized devices involved in the criminal episode. The offense would be enhanced to a felony of the third degree, depending on prior convictions for similar offenses.

The bill would also amend the Penal Code regarding presumption for offenses affecting communication services, and would amend the Civil Practice and Remedies Code regarding equitable remedies, damages and additional remedies.

Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation or longer terms of confinement in county jails or prison. When an offense is changed from a misdemeanor to a felony, there is a transfer of the burden of confinement of convicted offenders from the counties to the State. However, for the purposes of this analysis it is assumed that the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies. Although some costs could reasonably be anticipated from the provisions of the bill, an accurate estimate of cost is not possible due to the lack of data on the number of persons involved in behavior identified by the bill.

Local Government Impact

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

Source Agencies:

LBB Staff: JK, JRO, VDS, GG