

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 13, 2005

TO: Honorable Helen Giddings, Chair, House Committee on Business & Industry

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1430 by McCall (relating to the installation, copying, or use of computer software for unauthorized purposes; providing penalties.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would prohibit the unauthorized collection or transmission of personally identifiable information, unauthorized transmission or modifications of computer settings, unauthorized interference with installation or disabling of computer software, damage, or any other deceptive act to obtain information from a consumer's computer.

Section 48.101 of the bill would give the Attorney General, as well as a provider of computer software or owner of a web page or trademark who is adversely affected by the violation, authority to bring suit to seek injunctive relief and recover 1) actual damages arising from the violation; or 2) \$100,000 for each violation of the same nature as well as recover reasonable attorney fees and costs. The court may increase the award of actual damages to an amount up to 3 times the actual damages if the court finds that the violations have occurred with a frequency as to constitute a pattern or practice. This Act takes effect on September 1, 2005.

The proposed legislation may result in new complaints, investigations or cases by the OAG, however it is projected that any increase can be absorbed by current resources.

Local Government Impact

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

Source Agencies: 302 Office of the Attorney General

LBB Staff: JOB, SD, JRO, MS