

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 3, 2009**

**TO:** Honorable Jim McReynolds, Chair, House Committee on Corrections

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

**IN RE: HB1481** by Madden (Relating to certain offenses regarding the possession or use of a cellular telephone by an inmate or defendant in a correctional or detention facility and to the detection and monitoring of that possession or use. ), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Penal Code, Code of Criminal Procedure, Government Code, and Human Resources Code relating to the possession and use of a cellular telephone or wireless communication device or their components by an inmate of a correctional facility operated by or under contract with the Texas Department of Criminal Justice (TDCJ) or a person in custody of the Texas Youth Commission (TYC) or any other juveniles held in secure detention facilities. Under the provisions of the bill, providing or acquiring to provide a cellular telephone or wireless communication device or their components to a person in custody would be punishable as a third degree felony. The bill would also make punishable as a third degree felony making payments to a common communication carrier for a cellular telephone or wireless communication device for a person confined to a correctional facility. The bill would also specify conditions regarding the detection of the presence or use of a cellular telephone or other wireless communications devices in correctional facilities, including the reporting of such findings, prosecutor jurisdiction for offenses, and expectation of privacy. The bill would allow the Office of the Inspector General for both TDCJ and TYC to purchase and operate equipment to intercept electronic communications within their respective institutions. It is assumed the cost to TDCJ to purchase and operate equipment would not be significant. It is also assumed that through a memorandum of understanding affected between the two agencies, TYC would be able to utilize the electronic interception devices on a case by case basis. If TYC does not establish such an arrangement with TDCJ, the cost of purchasing equipment by TYC would be significant.

**Local Government Impact**

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

**Source Agencies:** 694 Youth Commission, 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, GG, LM