

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB2003 by McCall (Relating to the creation of the offense of online harassment.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Penal Code by creating the offense of Online Harassment. Under the provisions of the bill using the name or persona of another person on social networking sites without the person's consent would be punishable as a third degree felony. The bill would make using identifying information belonging to another person to send certain electronic communication punishable as a Class A misdemeanor and provide for punishment enhancement to that of a third degree felony if the offense was committed with the intent to solicit a response by emergency personnel.

The bill would also amend the Penal Code by defining "critical infrastructure facility." The bill would provide that the offense of breach of computer security would be punishable as a state jail felony if the defendant has been previously convicted two or more times of the offense, or if the computer system is owned by the government or a critical infrastructure facility. The offense of breach of security would be punishable as a state jail felony if the aggregate amount involved in the offense is less than \$20,000. The offense of breach of security would be punishable as a felony of the second degree if the aggregate amount involved is less than \$200,000 and the computer, computer network, or computer system is owned by the government or a critical infrastructure facility. Under current statute, the offense of breach of computer security is punishable at all offense levels and depends on the dollar amount of the loss.

The bill would take effect on September 1, 2009 and apply to offenses committed on or after that date.

For 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.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, ESi