

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB1273 by Carona (Relating to the prosecution of and punishment for the theft of certain electronic equipment and interference with certain radio frequencies.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code to create the offense of interference with a radio frequency licensed to a government entity punishable as a Class A misdemeanor and provide for enhancement to a state jail felony if the offense was committed with the intent to facilitate the commission of another offense or interfere with the ability of a law enforcement agency, fire department, or emergency medical service provider to respond to an emergency. The number of offenders convicted under the provisions of the bill is not expected to result in increased demands upon the correctional resources of counties or of the State.

The bill would also amend the Occupations Code and Penal Code to expand the regulated metals list. The bill requires the Department of Public Safety (DPS) to make a list of all registered metal recycling entities available on its website. The bill states a person attempting to sell regulated material who represents a metal recycling entity shall provide a copy of their registration certificate. The bill would also change the reporting requirements of metal recycling to DPS from paper to electronic, but the text provides for exemptions and requires phone notification to DPS for certain metal sales. Language is added that makes it mandatory for metal recyclers to report electronically through DPS' metals website; however a provision is provided for a metal recycling entity to request an exception and provide an affidavit confirming the inability to report electronically. The bill would increase from three to five days the holding period for acquired metal for five days before the date of disposal, sale or removal. This analysis assumes the provisions of the bill relating to expanding the regulated metals list would not pose a significant fiscal impact to DPS.

The bill would take effect on September 1, 2009.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, ESi, GG