

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 8, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: SB1662 by Seliger (Relating to the punishment for the offense of breach of computer security.), **Committee Report 1st House, Substituted**

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

The bill would amend the Penal Code by defining “critical infrastructure facility.” The bill would also 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 offense is committed against a computer system 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 September 1, 2009 and apply only to an offense committed on or after the effective date of the Act.

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.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, LM