

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

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

**May 16, 2009**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: SB1835** by Patrick, Dan (Relating to the offenses of unauthorized duplication, unauthorized recording, and improper labeling of recordings.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Business and Commerce Code and Penal Code relating to unauthorized recordings, unauthorized duplication of certain recordings, unauthorized recording of a live performance, unauthorized operation of recording device in a motion picture theater, and improper labeling of a recording, and penalties. Under the provisions of the bill, punishment and restitution for these offenses would conform with punishment found in Chapter 32, Penal Code and would be based on the amount of pecuniary loss. The bill would also allow for punishment enhancement to the next higher category of offense if the person has been previously convicted or received a grant of deferred adjudication community supervision for an offense under this subchapter.

Enhancing punishment for criminal behavior is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or, longer terms of confinement in county jails or prison. However, 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 since it is assumed individuals who would be affected by the provisions of this bill are currently being sentenced for other offenses.

**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, DB