

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 18, 2011

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

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

IN RE: HB2397 by Miller, Sid (Relating to the prosecution of and punishment for the offense of breach of computer security.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code as it relates to the prosecution of and punishment for the offense of breach of computer security. The bill would expand the definitions of computer crimes provided in the Penal Code to include personal “Identifying information”. The bill would amend the Penal Code to enhance the punishment for the offense of breach of computer security to a felony of the second degree or a felony of the first degree if it involves obtaining personal identifying information of another; otherwise the offense would be punishable as a felony of the third degree. Under current statute, the offense of breach of computer security is punishable as a Class B Misdemeanor; and punishment is enhanced to various levels, misdemeanor and felony, contingent upon the total dollar amount of the losses incurred. The bill would also repeal Section 33.02 (c) of the Penal Code, related to determining the total dollar amount of the losses incurred when benefits are obtained. The bill would take effect on September 1, 2011 and apply to offenses committed on or after that date.

Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community, or longer terms of confinement in county jail, state jail or prison. When an offense is changed from a misdemeanor to a felony, there is a transfer of the burden of confinement of convicted offenders from the counties to the State. For this analysis it is assumed 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, GG, ADM