

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 6, 2011

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

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

IN RE: SB1098 by Huffman (Relating to certain offenses involving unauthorized recordings.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Business and Commerce Code related to prohibited practices around unauthorized recordings. The bill would (1) expand the list of devices used to make unauthorized recordings, (2) establish minimum fines for offenders, (3) require that the offender make restitution to the owner or lawful producer of a master recording that has suffered financial loss as a result of the offense or to the trade association that represents the owner. The bill would also expand the list to which this section of the code would not apply.

The bill would take effect on September 1, 2011 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

The bill would amend Business and Commerce Code to impose minimum fines for offenses involving the possession of improperly labeled recordings, and require a convicted offender to pay restitution to a lawful producer that has suffered financial loss from the offense. Fiscal impact would vary by number of convictions but is not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, ESi, GG, LM, JT, KKR