

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**February 25, 2013**

**TO:** Honorable John Carona, Chair, Senate Committee On Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB529 by Ellis (Relating to the creation of the offense of installation, transfer, use, or possession of an automated sales suppression device or phantom-ware.), **As Introduced**

**No significant cost to state corrections agencies is anticipated. Potential revenue gains from the bill cannot be estimated.**

The bill would make it a state jail felony for a person to knowingly sell, purchase, install, transfer, use, or possess an automated sales suppression device. The bill would make property used to commit the offense, proceeds gained from the offense, and property acquired with proceeds of the offense subject to forfeiture.

Expanding the list of offenses for which a penalty applies 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 state jail. 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.

Potential revenue gains from fines, fees and forfeitures cannot be determined. The establishment of criminal penalties could have an undetermined positive impact on sales tax collection.

**Local Government Impact**

The establishment of criminal penalties could have an undetermined positive impact on local sales tax collection.

**Source Agencies:** 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

**LBB Staff:** UP, RB, JI, RS