

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 5, 2017

TO: Honorable Joseph Pickett, Chair, House Committee on Environmental Regulation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB208 by West (Relating to the regulation of metal recycling entities; providing an administrative penalty; creating a criminal offense.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code to create criminal and administrative penalties for the sale and purchase of explosive devices acquired at metal recycling entities. The bill would also require metal recycling entities to report to DPS any such sale or attempted sale.

The bill would establish a criminal offense on a person who knowingly sells an explosive device to a metal recycling entity or on a metal recycling entity that knowingly buys or stores on its premises an explosive device. The criminal offense would be classified as a Class A misdemeanor or second degree felony. The bill would allow a court to order a defendant, upon conviction, to pay restitution to the state or political subdivision for the costs incurred for responding to the offense or to the owner of any property damaged as a result of the offense.

The bill would revise administrative penalty provisions to allow up to \$1,000 for each violation, with a maximum aggregate penalty of \$10,000 for multiple violations, for certain offenses. The Department of Public Safety's Public Safety Commission would be required to adopt a standardized administrative penalty schedule. Collections from administrative penalties would be deposited into a special account in the General Revenue Fund for appropriation only to the Department of Public Safety.

It is assumed that implementing the provisions of the bill could be absorbed within existing resources. It is also assumed the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

The bill would take effect September 1, 2017.

Local Government Impact

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

Source Agencies: 360 State Office of Administrative Hearings, 696 Department of Criminal Justice, 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405

Department of Public Safety

LBB Staff: UP, JAW, SZ, AI, LM, JSm, EK