

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 9, 2025

TO: Honorable Pete Flores, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1646 by King (relating to criminal conduct involving the theft or unauthorized possession of copper or brass and to the sale of copper or brass material to metal recycling entities; creating criminal offenses; providing an administrative penalty.), **Committee Report 1st House, Substituted**

Expanding the conduct constituting and increasing the penalty for existing criminal offenses and creating new criminal offenses may result in additional demands upon state and local correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement. The fiscal implications of the bill cannot be determined due to the lack of data to estimate the prevalence of conduct outlined in the bill's provisions that would be applicable to existing offenses or would constitute the conduct of newly created offenses.

The bill would clarify and amend the meaning of critical infrastructure to include cable or video services, Internet access services and, in certain circumstances, any part of a system on which certain emergency communications are dependent.

The bill would expand conduct constituting the offense of criminal mischief to include certain damage to copper or brass components of a critical infrastructure facility and make it punishable as a third degree felony.

The bill would expand the conduct constituting and increase the penalty for certain felony level theft offenses to include when copper or brass was stolen from a critical infrastructure facility or from its related equipment and make the offenses punishable at the next higher category of offense, specifically, from third degree to first degree punishment contingent upon the value of the copper or brass stolen.

The bill would create the offense of unauthorized possession of certain copper or brass material, committed when a person intentionally or knowingly possesses copper or brass material and lacks authorization, as defined in the bill, to do so, and make the offense punishable as a state jail felony or in certain circumstances as a third degree felony.

The bill would expand conduct constituting the offense of engaging in organized criminal activity to include as offense elements criminal mischief involving certain damage to copper or brass components of a critical infrastructure facility and unauthorized possession of certain copper or brass material, making the offense punishable at the next highest category of the element offense and, in the case of a first degree felony element offense, with a minimum fifteen year life imprisonment sentence.

The bill would create the Class A misdemeanor offense of intentional or knowing failure to maintain a record of purchase or acquisition of certain copper or brass material.

The bill would establish certain training, purchasing limitations, records requirements, and records inspection provisions for metal recycling entities, and would authorize the Public Safety Commission to impose a maximum \$10,000 administrative penalty on a metal recycling entity which violates provisions relating to certain copper or brass purchase or acquisition limitations or required record keeping.

The Office of Court Administration indicates that the fiscal implications of the bill cannot be determined.

While the Comptroller of Public Accounts indicates that the fiscal impact is indeterminate, the agency acknowledges that the bill's provisions may result in an increase in state revenue due to court costs. The Department of Public Safety indicates that the bill's provisions would have no significant fiscal implications.

Local Government Impact

While the fiscal impact cannot be determined, the bill's provisions may result in increased demands upon local correctional resources due to a possible increase in the number of individuals placed under supervision in the community or confined locally.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety

LBB Staff: JMc, MGol, DGI, AMr