

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3842-03
Bill No.: Perfected HCS for HB 1397
Subject: Business and Commerce: Consumer Protection; Science and Technology
Type: Original
Date: April 5, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume there will be no fiscal impact on the Courts.

Officials from the following divisions of **Department of Economic Development** stated there would be no fiscal impact to their respective divisions: **Public Service Commission, Public Counsel, Finance, and Credit Unions.**

Officials from the **Office of Attorney General (AGO)** assumed that AGO would receive new complaints from consumers who believe they have been victimized by having spyware installed on their computers. Because the AGO anticipates that the number of additional complaints would be relatively small, the AGO assumed that costs can be absorbed. If, however, the number of new complaints exceeds 100 per year, the AGO may seek additional appropriations to handle the increased workload.

In response to the introduced version of this proposal, officials from the **Office of Prosecution Services** state this proposal will not have a significant fiscal impact on county prosecutors, although it may lead to an increase in prosecutions/caseloads.

Officials from the Office of State Public Defender did not respond to a request for fiscal note.

ASSUMPTION (continued)

Due to time constraints, **Oversight** was unable to obtain responses regarding fiscal impact of House Amendment 1; however, after reviewing the amendment **Oversight** assumes no fiscal impact resulting from the amendment.

<u>FISCAL IMPACT - State Government</u>	FY 2007	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposed legislation establishes the Consumer Protection Against Computer Spyware Act, making it illegal for an unauthorized user to intentionally modify the settings of a computer belonging to or leased to a consumer, collect personally identifiable information from the computer, prevent an authorized user's reasonable efforts to block the installation of or disable installed software, remove or disable security software installed on the computer, or take control of the consumer's computer by transmitted commercial electronic mail or a computer virus from the consumer's computer.

A manufacturer or retailer of computer equipment shall not be liable under this proposal to the extent that the manufacturer or retailer is providing third-party branded software loaded on the equipment they are manufacturing or selling.

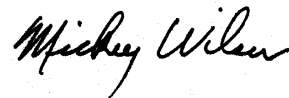
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of Prosecutions Services
Office of State Courts Administrator
Department of Economic Development
 Office of Public Counsel
 Public Service Commission
 Division of Finance
 Division of Credit Unions

NOT RESPONDING

Office of State Public Defender



Mickey Wilson, CPA
Director
April 5, 2006