

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 28, 2003

TO: Honorable Tom Craddick, Speaker of the House, House of Representatives

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2892 by Allen (Relating to the illegal use of money or property derived from or intended to further certain controlled substance offenses; providing penalties.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code by including in the offense of illegal expenditure or investment the expenditure of funds or bartering of property the person knows are derived from the commission of an offense. The bill would also amend the Health and Safety Code by increasing the punishment for an offense by one degree if at the guilt or innocence phase of the trial it is determined that a person died or suffered serious bodily injury as a result of the controlled substance provided by the defendant. The enhancement provision would apply to certain drug offenses otherwise punishable as a state jail felony, felony of the third degree, or felony of the second degree. The bill would also require offenders punished by the enhancement provision of the bill to serve any other sentence imposed by the court consecutively rather than concurrently.

The Texas Commission on Alcohol and Drug Abuse anticipates no significant fiscal implication to the State from the provision of the bill dealing with the offense of illegal expenditure or investment. Costs to implement the provision which provides for the enhancement of the penalty for an offender who manufactures or delivers a controlled substance causing death or serious bodily injury would depend on the number of drug-related deaths that could be successfully prosecuted under the provisions of the bill. For the year 2000 the Texas Commission on Alcohol and Drug Abuse estimated 2,605 drug-related deaths in Texas, based on vital statistics death records provided by the Texas Department of Health. It is assumed that the number of offenders convicted under this provision 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. In addition, under current law and policy, and under the proposed bill, the average time served in prison by persons likely to be affected by the provisions of this bill is greater than five years.

Local Government Impact

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

Source Agencies: 517 Commission on Alcohol and Drug Abuse

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