

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

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 13, 2003**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB177** by Shapiro (Relating to the criminal consequences for delivery of a controlled substance causing death.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code by creating the offense of delivery of controlled substance causing death. The offense would be punishable as a felony of the third degree. The bill would also amend the Code of Criminal Procedure by requiring a court to impose a second or subsequent conviction to commence immediately on completion of the sentence imposed in a preceding conviction when the offender is convicted of the offense of delivery of controlled substance causing death and another offense under the Health and Safety Code.

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.

Costs to implement the bill would depend on the number of drug-related deaths that could be successfully prosecuted under the provisions of the bill. 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. 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:** 696 Department of Criminal Justice

**LBB Staff:** JK, WK, VDS, GG