

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 17, 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 enhancement of the penalty for an offender who manufactures or delivers a controlled substance causing death or serious bodily injury.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would 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.

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.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

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