

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 30, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1591 by Driver (Relating to enhancing the penalty for manufacture or delivery of methamphetamine.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1591, As Introduced: a negative impact of (\$10,074,846) through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	(\$1,713,269)
2007	(\$8,361,577)
2008	(\$14,930,170)
2009	(\$20,817,587)
2010	(\$26,260,459)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2006	(\$1,713,269)
2007	(\$8,361,577)
2008	(\$14,930,170)
2009	(\$20,817,587)
2010	(\$26,260,459)

Fiscal Analysis

The bill would amend the Health and Safety Code by enhancing the punishment for the offense of Manufacture or Delivery of Substance in Penalty Group 1 from a state jail felony to a felony of the third degree if the controlled substance is methamphetamine, including its ingredients, and the amount by aggregate weight is less than one gram. The bill would take effect September 1, 2005.

Methodology

For fiscal year 2004, there were 2,740 state jail admissions to TDCJ for the offense of Manufacture or Delivery of Substance in Penalty Group 1. It is assumed that 1,370 of the offenders would have sentences enhanced from a state jail felony to a felony of the third degree as required by the bill.

In order to estimate the future impact of the proposal, the changes proposed in the bill are applied in a simulation model using the estimated number of felony admissions identified in the bill, reflecting the distribution of offenses, sentence lengths, and time served for those offenders. Included in the estimated costs are projected parole supervision operating costs.

Costs of incarceration by the Department of Criminal Justice are estimated on the basis of \$40 per inmate per day, reflecting approximate costs of either operating facilities or contracting with other entities. No costs are included for prison construction. Options available to address the increased demand for prison capacity that would result from implementation of this bill include construction of new facilities and contracting with counties or private entities for additional capacity.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, KJG, VDS, BT, GG