

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 25, 2007

TO: Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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

IN RE: SB183 by Estes (Relating to enhancing the penalty for the manufacture of certain controlled substances if a child is present on the premises where the offense is committed.), **As Engrossed**

The probable impact of implementing the provisions of the bill cannot be determined due to the unavailability of reliable data or information related to the number of times an individual takes part in the manufacture of a controlled substance listed in penalty group 1 while a child younger than 18 years of age was present on the premises where the offense was committed.

The bill would amend the Health and Safety Code by providing that if it were shown at the punishment phase of a trial for the manufacture of a controlled substance listed in penalty group 1 that when the offense was committed a child younger than 18 years of age was present on the premises where the offense was committed: 1) the punishment for less than one gram would increase from a state jail felony offense to a third degree felony offense and the punishment for one gram or more but less than four grams would increase from a second degree felony offense to a first degree felony offense; 2) the minimum term of imprisonment for two hundred grams or more but less than four hundred grams would increase from ten years to fifteen and the maximum fine would increase to \$150,000; and 3) the minimum term of imprisonment for four hundred grams or more would increase from fifteen years to twenty years and the maximum fine would increase to \$300,000.

The impact of the bill would depend on the number of offenders that manufacture a controlled substance listed in penalty group 1 with children younger than 18 years of age present. The impact of the bill would also depend on the number of future offenders that would receive longer sentence lengths as a result of the proposal. A check of Texas Department of Criminal Justice records, Department of Public Safety records, Office of Court Administration records, and Jail Standards Commission records did not reveal any information that would help in an accurate assumption regarding the number of times an individual takes part in the manufacture of a controlled substance listed in penalty group 1 while a child younger than 18 years of age was present on the premises where the offense was committed.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ES, GG