

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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 3, 2009**

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

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

**IN RE: SB912** by Williams (Relating to the diversion of a controlled substance by certain persons who have access to the substance by virtue of the person's profession or employment; providing penalties.), **As Introduced**

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

The bill would amend the Health and Safety Code by creating the offense of diversion of controlled substance by registrants, dispensers, and certain other persons. The offense would be punishable as a state jail felony if the person converts to the person's own use the controlled substance. The offense would be punishable as a felony of the third degree if the person diverts to the unlawful use or benefit of another person the controlled substance. The offense would only apply to registrants, dispensers, or persons who are agents of a registered manufacturer or contract carrier of the controlled substance as defined by the Health and Safety Code.

It is assumed that the number of persons convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies.

**Local Government Impact**

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

**Source Agencies:**

**LBB Staff:** JOB, ESi, GG