

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 5, 2009

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

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

IN RE: SB1281 by Williams (Relating to the fraudulent obtaining of a controlled substance from a practitioner; providing a penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code by making attempting to obtain a prescription for a controlled substance or combination of controlled substances by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact (an existing prescription for a controlled substance issued for the same period of time by another practitioner) a criminal offense. Under the provisions of the bill, a substance listed in Schedule V would be punishable as a class A misdemeanor, a substance listed in Schedule III or IV would be punishable as a third degree felony, and a substance listed in Schedule I or II would be punishable as a second degree felony.

The bill would take effect September 1, 2009 and apply only to an offense committed on or after the effective date of the Act.

The number of offenders convicted under the provisions of the bill is not expected to result in increased demands upon the correctional resources of counties or of the State.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, LM