

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 24, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB548 by Dutton (Relating to the penalties for possession of two ounces or less of marihuana and to the issuance of an occupational driver's license.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to create and modify the criteria for misdemeanor offenses for possession of marihuana. The change from a Class B to a Class C offense would reduce the use of a county jail that would vary depending on the number of offenses committed; however, certain defendants that would no longer be eligible for community supervision would increase the use of county jails.

The bill would amend the Code of Criminal Procedure to require a defendant who has been charged with an offense under Section 481.121 of the Health and Safety Code and placed on deferred adjudication to successfully complete a drug abuse awareness and education program approved by the Department of State Health Services (DSHS). Defendants are usually required to pay for the program; however, a court or community supervision and corrections department would have administrative costs. Approval of drug abuse programs is already a DSHS responsibility; therefore, there would be no new cost to the state.

The bill would amend the Transportation Code to add justice and municipal courts to those courts to which certain persons whose license has been suspended may apply for an occupational license.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of

LBB Staff: JOB, ESi, TP