

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 8, 2011

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

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

IN RE: HB597 by Madden (Relating to designating certain synthetic cannabinoids as controlled substances under the Texas Controlled Substances Act; providing penalties and establishing certain criminal consequences or procedures.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code by adding Penalty Group 2-A to the Texas Controlled Substances Act, consists of any quantity of a synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids. The bill would amend the Health and Safety Code by providing penalties for the manufacture, delivery, or possession with intent to deliver, of a substance in Penalty Group 2-A, based on the punishment prescribed for a Penalty Group 2 offense. The offense would be punishable at various felony levels, with the level of punishment increasing in severity based on the amount by weight of the substance manufactured, delivered, or possessed with intent to deliver. The bill would amend the Health and Safety Code by creating penalties for the possession of a substance in Penalty Group 2-A. The offense would be punishable at various levels, misdemeanor and felony, with the level of punishment increasing in severity based on the amount by weight of the controlled substance, or the controlled substance added to or combined with plant material, knowingly or intentionally possessed. The bill would also include certain possession of a substance in Penalty Group 2-A offenses in the list of offenses for which a punishment enhancement provision relating to Drug-Free Zones is applied.

The bill would amend the Code of Criminal Procedure to include misdemeanor level possession of a controlled substance in Penalty Group 2-A added to or combined with plant material, to the list of offenses for which the charging peace officer may issue the person a citation for appearance before a magistrate. The bill would also amend the Code of Criminal to include provisions relating to state jail felony community supervision procedures for possession involving a substance in Penalty Group 2-A. The bill would take effect on September 1, 2011.

This analysis assumes the Department of Public Safety could implement the provisions of the bill within existing appropriations. Expanding the list of behaviors for which a penalty is applied for any criminal offense or increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jail, state jail or prison. It is assumed the bill would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, ESi, GG, ADM