

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 21, 2011

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

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

IN RE: HB1243 by Miller, Doug (Relating to the creation of the criminal offense of ingesting a controlled substance while pregnant or introducing a controlled substance into the body of a person who is pregnant and the consequences of the commission of that offense in a suit affecting the parent-child relationship.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code creating the criminal offense of ingesting a controlled substance while pregnant or introducing a controlled substance into the body of a person who is pregnant. Under the provisions of the bill, intentionally, knowingly, or recklessly, ingesting a controlled substance while pregnant or introducing a controlled substance into the body of a person who is pregnant would be punishable as a state jail felony. The bill would also add ingesting a controlled substance while pregnant to the list of offenses for which conviction or placement on deferred adjudication could lead to the involuntary termination of a parent child relationship. Under the provisions of the bill, ingesting a controlled substance while pregnant would be added to the list of aggravated circumstances allowing a court to waive certain requirements as they relate to a final order for a child under the care of the Department of Family and Protective Services (DFPS). The bill would take effect on September 1, 2011 and apply to offenses committed on or after that date.

For this analysis, it is assumed the number of offenders convicted under this statute 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. DFPS does not anticipate any significant fiscal impact as a result of complying with the provisions of the bill.

Local Government Impact

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

Source Agencies: 530 Family and Protective Services, Department of

LBB Staff: JOB, ESi, GG, LM