

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 21, 2011

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

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

IN RE: SB158 by Williams (Relating to the fraudulent obtaining of a controlled substance from a practitioner; providing a penalty.), **As Introduced**

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| No significant fiscal implication to the State is anticipated. |
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The bill would amend the Health and Safety Code by making it a criminal offense to obtain or attempt to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. Under the provisions of the bill, an offense involving a controlled 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, 2011 and apply only to an offense committed on or after the effective 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.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, ESi, GG, LM, ADM