

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: SB159 by Williams (Relating to the diversion of a controlled substance by certain persons who have access to the substance by virtue of the persons' profession or employment; providing penalties.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code by creating the offense of diversion of controlled substance by registrants, dispensers, and certain other persons. The offense would be punishable as a state jail felony if the person converts to the person's own use or benefit of the controlled substance. The offense would be punishable as a felony of the third degree if the person diverts to the unlawful use or benefit of another person the controlled substance. The offense would only apply to a registrant, a dispenser, or a person not required registering for being an agent of a registered manufacturer, distributor, analyzer or dispenser, or a contract carrier of the controlled substance. The bill would take effect on September 1, 2011.

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