

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

Revision 1

March 12, 2013

TO: Honorable Abel Herrero, Chair, House Committee On Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB184 by Dutton (Relating to the penalties for possession of one ounce or less of marihuana or a synthetic cannabinoid.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would reclassify an offense of possession of marihuana or a synthetic cannabinoid from a Class B misdemeanor to a Class C misdemeanor if the aggregate weight of the substance is one ounce or less.

If the defendant had been previously convicted three or more times for possession of marihuana or a synthetic cannabinoid in the 24-month period preceding committing the current offense, the offense would remain a Class B misdemeanor and the defendant would be ineligible for community supervision under Article 42.12, Code of Criminal Procedure.

Expanding the list of behaviors for which a criminal penalty is applied 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. 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 correctional agencies.

The bill would take effect September 1, 2013.

Local Government Impact

A Class C misdemeanor is punishable by a fine of not more than \$500. Offenders with an aggregate weight of a controlled substance of one ounce or less would pay fees rather than spend time in county jails, creating a savings to counties.

Savings to counties would vary depending on the number of future cases, number of repeat offenders, and total weight of the controlled substance in each case, and are anticipated to be significant.

Source Agencies:

LBB Staff: UP, ESi, SD, KKR, LM