

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 22, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2418 by Fletcher (Relating to the penalties for the production or delivery of marihuana plants.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure and the Health and Safety Code as they relate to the penalties for the production or delivery of marihuana plants. Under the provisions of the bill, production or delivery of marihuana plants would be punishable at various felony levels with the severity increasing based on the number of marihuana plants a person produces, possesses, or possesses with the intent to deliver. The bill would also add production or delivery of a marihuana plant to the list of offenses for which a judge may impose up-front state jail time as a condition of community supervision. The bill would also add production or delivery of a marihuana plant to the list of offenses for the punishment to be enhanced if it occurs within a drug free zone or if a child was used in the commission of the offense.

Creating a new 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. For this analysis, it is assumed the number of offenders convicted under the provisions of 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. It is expected that individuals who would be affected by the provisions of this bill are currently being sentenced for other offenses.

Local Government Impact

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

Source Agencies:

LBB Staff: UP, ESi, GG, LM