

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: HB2498 by Miller, Rick (Relating to the punishment for the offense of delivery of marihuana or possession with the intent to deliver marihuana.), **As Introduced**

The probable fiscal impact of implementing the bill is indeterminate due to the unavailability of reliable data or information related to the exact amount of marihuana possessed by those convicted of delivery of marihuana.

The bill would amend various sections of the Health and Safety Code as they relate to the punishment for the offense of delivery of marihuana or possession with the intent to deliver marihuana. Under the provisions of the bill, delivery of marihuana or possession with the intent to deliver marihuana would be punishable at both the misdemeanor and felony levels with the severity increasing based on the amount of marihuana delivered or possessed with the intent to deliver. Under current law the delivery of marihuana is punishable at various misdemeanor and felony levels with the severity increasing based on the amount of marihuana delivered and whether remuneration was involved. The bill would also make corresponding changes to drug free zone statute. Under the provisions of the bill, the class B misdemeanor punishment for delivery of marihuana would no longer exist.

Adjusting the range of amounts possessed for which a criminal penalty is applied is expected to impact the demands upon the correctional resources of counties or of the state. The bill may have a positive fiscal impact by decreasing the number of people on felony community supervision or incarcerated within state correctional institutions for delivery of smaller amounts of marihuana. Whether the bill would result in a significant amount of savings to the state is indeterminate due to a lack of statewide data on the exact amount of a marihuana possessed by those convicted of delivery of marihuana. At present data do not exist that would enable the identification and categorization of delivery of marihuana cases by offense level or degree based on the exact amount of marihuana possessed.

Local Government Impact

The bill would modify misdemeanor offenses. Changes in costs associated with enforcement, prosecution, and confinement are not anticipated to have a significant fiscal impact. Changes in revenue from fines imposed and collected are not anticipated to have a significant fiscal impact.

Source Agencies:

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