

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 26, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2914 by Thompson, Senfronia (Relating to the penalty for possession of certain small amounts of controlled substances in Penalty Group 1.), **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 Penalty Group 1 substance possessed by those convicted of possession of less than one gram.

The bill would amend the Health and Safety Code as it relates to the penalty for possession of certain small amounts of controlled substances in Penalty Group 1. Under the provisions of the bill, possession of a usable quantity of controlled substance in Penalty Group 1 (includes but is not limited to opiates and opium derivatives, cocaine, and methamphetamines) that is more than 0.02 grams but less than one gram would be a state jail felony. Under current law, possession of less than one gram of a Penalty Group 1 substance is a state jail felony.

Narrowing the range of amounts possessed for which a criminal penalty is applied is expected to result in decreased demands upon the correctional resources of counties or of the state due to shorter terms of probation, or shorter terms of confinement in county jail, state jail, or prison. 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 possession of small amounts of Penalty Group 1 substances. 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 Penalty Group 1 substance possessed by those convicted of possession of less than one gram. At present data do not exist that would enable the identification of those cases in which the amount of Penalty Group 1 substance possessed was 0.02 grams or less from all other possession of a Penalty Group 1 controlled substances cases.

Local Government Impact

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

Source Agencies: 696 Department of Criminal Justice

LBB Staff: UP, ESi, GG, LM