

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 6, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB253 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 substances possessed by those convicted of possession of less than one gram.

The bill would amend the Health and Safety Code to indicate the offense of possession of less than one gram of a Penalty Group 1 controlled substance must be a usable quantity of more than 0.02 grams but less than one gram. Under current law, this offense 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 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:

LBB Staff: UP, KJo, LM, ESi, KVe