

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 8, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB254 by Thompson, Senfronia (Relating to the penalty for certain offenders for possession of a small amount of certain controlled substances.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB254, As Introduced: a positive impact of \$105,179,181 through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$35,818,847
2017	\$69,360,334
2018	\$69,561,160
2019	\$69,751,344
2020	\$69,910,579

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
	1
2016	\$35,818,847
2017	\$69,360,334
2018	\$69,561,160
2019	\$69,751,344
2020	\$69,910,579

Fiscal Analysis

The bill would amend the Health and Safety Code and Code of Criminal Procedure as they relate to the punishments for the possession of certain amounts of controlled substances. The bill would reduce the punishment for possession of controlled substances in Penalty Groups 1 (less than one gram), 1-A (fewer than 20 abuse units), and 2 (less than one gram) from a state jail felony to a

Class A misdemeanor. The bill would also reduce the punishment for possession of less than a gram of controlled substances in Penalty Groups 1 and 2 in a drug-free zone from a third degree felony to a Class A misdemeanor.

Methodology

In fiscal year 2014, 7,293 people subject to the bill's provisions were admitted to state correctional facilities and 7,682 were placed on felony community supervision. This analysis assumes the offenders subject to the bill's provisions would no longer be eligible for confinement in state correctional facilities or placed under felony community supervision. Instead, these offenders would be charged with misdemeanor offenses and subject to confinement in county jails or placement on misdemeanor community supervision.

Cost per day figures included in this analysis are based on those reported in the *February 2015 Criminal and Juvenile Justice Uniform Cost Report*. Incarceration savings are estimated at \$54.89 per offender, per day for prison and \$47.30 per offender, per day for state jail. Felony community supervision savings are estimated at \$1.63 per offender, per day. Felony community supervision savings would be partially offset by misdemeanor community supervision costs of \$0.70 per offender, per day. The state provides Community Supervision and Corrections Departments \$0.70 per misdemeanor offender, per day for 182 days. Parole supervision savings are estimated at \$4.04 per offender, per day. Based on the adult correctional population projections included in the *February 2015 Adult and Juvenile Correctional Population Projections Report*, and assuming all other sentencing practices remain constant, the bill's provisions would result in net savings of \$35,818,847 during fiscal year 2016. This analysis assumes the bill's provisions would reach partial implementation for fiscal year 2016 and reach full implementation in fiscal years 2017 and beyond.

These net savings include incarceration savings of \$33,812,042, felony community supervision savings of \$2,338,594, and parole supervision savings of \$162,650. Net savings are partially offset by misdemeanor community supervision costs of \$494,439. The revenue loss associated with reduced collections of criminal fines and court costs as a result of implementing the provisions of the bill is indeterminate.

Local Government Impact

Conviction on a class A misdemeanor is punishable by a fine not to exceed \$4,000; confinement in jail for a term not to exceed one year; or both. Implementing the provisions of the bill could cause a significant increase in the number of offenders remanded to local jails rather than state jails. Costs to local entities would vary depending on the number of offenders that are fined, jailed, both fined and jailed, or put on community supervision.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of

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