

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: HB1424 by Lozano (Relating to the designation of certain synthetic compounds to Penalty Group 2 or 2-A of the Texas Controlled Substances Act; increasing penalties for certain persons convicted of the manufacture and delivery of controlled substances.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1424, As Introduced: a negative impact of (\$2,379,000) through the biennium ending August 31, 2017.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|---|
| 2016 | (\$2,379,000) |
| 2017 | \$0 |
| 2018 | \$0 |
| 2019 | \$0 |
| 2020 | \$0 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from <i>General Revenue Fund</i> 1 |
|-------------|--|
| 2016 | (\$2,379,000) |
| 2017 | \$0 |
| 2018 | \$0 |
| 2019 | \$0 |
| 2020 | \$0 |

Fiscal Analysis

The bill would amend the Health and Safety Code to add certain substances to the list of Penalty Groups 2 and 2-A substances in the Texas Controlled Substances Act. Under current law, possession of a Penalty Group 2 substance is punishable at various felony levels, and possession of a 2-A substances is punishable at both misdemeanor and felony levels; punishment for both groups is based on the amount of substance possessed. The bill would also enhance criminal

punishments for the offense of manufacture, delivery, or possession of miscellaneous substances from a Class A misdemeanor to a state jail felony or third degree felony for persons with previous convictions of the same offense.

The Department of Public Safety (DPS) has indicated the bill would require the agency to purchase new Gas Chromatography Fourier Transform Infrared spectrometers (GS FTIR) necessary for compound identification for each of the thirteen crime laboratories operated by the agency.

Methodology

This analysis assumes the agency would need to acquire new GS FTIR spectrometers for each of the agency's thirteen drug testing laboratories at a cost of \$183,000 per unit. Assuming the agency purchases all thirteen of these spectrometers in fiscal year 2016, the one-time cost in fiscal year 2016 is \$2,379,000. It is assumed any ongoing costs associated with operating and maintaining this new equipment can be absorbed within the agency's resources.

This analysis assumes the provisions of the bill related to criminal penalties would not result in a significant impact on state correctional agencies.

Technology

The agency has indicated that implementation of this bill will not have a technological impact.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, JAW, ESi, KJo, AI, LM