

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 10, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB172 by Huffman (Relating to the addition of certain substances to Penalty Groups 1-A and 2 of the Texas Controlled Substances Act for criminal prosecution and other purposes.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB172, 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 General Revenue Fund 1
2016	(\$2,379,000)
2017	\$0
2018	\$0
2019	\$0
2020	\$0

Fiscal Analysis

The bill would amend the Health and Safety Code as it relates to the addition of certain substances to the list of Penalty Group 1-A and 2 substances in the Texas Controlled Substances Act. Under current law, possession of a Penalty Group 1-A and 2 substances are punishable at various felony levels and punishment is based on the amount of substance possessed.

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, KJo, AI, ESi, LM, JAW