

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 26, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB575** 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 because statewide level data collected for this offense reflect a range for the amount possessed and not the precise amount of the substance possessed by those convicted of possession of less than one gram. Without this level of detail, the identification of those cases in which the amount of a Penalty Group 1 substance possessed was 0.02 grams or less from all other possession of a Penalty Group 1 substances cases is not possible.

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.

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 a potential decrease in the number of individuals sentenced to a term of supervision in the community or a term of confinement within state correctional institutions. The bill may have a positive fiscal impact by decreasing the number of individuals under 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 because statewide level data collected for this offense reflect a range for the amount possessed and not the precise amount possessed. Without this level of detail, the identification of those cases in which the amount of a Penalty Group 1 substance possessed was 0.02 grams or less from all other possession of a Penalty Group 1 substance cases is not possible. The bill would take effect on September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 696
Department of Criminal Justice

LBB Staff: UP, LM, ZB, PBO