

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 11, 2019

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB335** by Dutton (relating to the criminal penalties for possession of two grams or less of marihuana.), **Committee Report 1st House, Substituted**

The probable fiscal impact of implementing the provisions of the bill is indeterminate due to a lack of statewide data containing the level of detail necessary to determine the number of times in which the amount of marihuana possessed was two grams or less or between two grams and two ounces. These data are necessary to determine the fiscal implications associated with the bill's provisions.

The bill would reduce the penalty for possession of two grams or less of marihuana from a Class B to a Class C misdemeanor and modify the Class B misdemeanor punishment to possession of marihuana of two ounces or less but more than two grams. The bill would also allow for possession of two grams of marihuana or less to be enhanced in certain circumstances. Reducing the penalty for any criminal offense is expected to result in fewer demands upon the correctional resources of counties or of the State due to a decrease in the number of people placed under misdemeanor community supervision. The bill may have a positive population impact by decreasing the number of people under misdemeanor community supervision. Whether the bill would result in a significant fiscal impact is indeterminate due the lack of data that would allow those cases in which the amount of marihuana possessed was specifically, amounts of less than two grams, to be isolated from all other cases within the penalty range, which currently covers two ounces or less. In fiscal year 2018, 13,379 people were placed under misdemeanor community supervision for possession of two ounces or less of marihuana. Under the provisions of the bill, some of these individuals would no longer be placed under misdemeanor community supervision. The fiscal implications due to the reduction in placements onto misdemeanor community supervision cannot be determined.

Local Government Impact

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. A Class C misdemeanor is punishable by a fine of not more than \$500; punishment can also include up to 180 days of deferred disposition. Lost revenue from reduced fines imposed and collected is not anticipated to have a significant fiscal impact.

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

LBB Staff: WP, LBO, LM, SPa, GDz, AF, GP