

BILL ANALYSIS

H.B. 169
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Many individuals convicted of low-level drug offenses struggle with mental illness and chemical dependency and the lack of available treatment and recovery supports in Texas adds to the problem. For that reason, the population of individuals incarcerated for possession of less than one gram of a controlled substance often cost the state more on average than those convicted of other types of offenses. These individuals fill beds in medical, psychiatric, and intellectually disabled units of correctional facilities at high expense. Arresting people for low-level possession only exacerbates the problem as this population has the highest rate of recidivism of any correctional population. Community supervision, which is more available at lower penalty ranges, is far less expensive than incarceration, and studies have shown it to be more effective at addressing addiction and mental illness than incarceration, given that individuals on probation frequently have more access to drug treatment and mental health services than those who are incarcerated. H.B. 169 seeks to address this issue by lowering the penalties for possession of small amounts of certain types of controlled substances and marihuana.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 169 amends the Health and Safety Code to decrease the penalty for possession of less than one gram, by aggregate weight, including adulterants or dilutants, of a controlled substance listed in Penalty Group 1 from a state jail felony to a Class A misdemeanor and to change the penalty enhancement for the commission of the offense in certain drug-free zones from a third degree felony to a state jail felony. The bill decreases the penalty for possession of two ounces or less of marihuana from a Class B misdemeanor to a Class C misdemeanor and removes the penalty enhancement for the commission of that offense in certain drug-free zones.

H.B. 169 amends the Code of Criminal Procedure and the Government Code to make conforming changes.

EFFECTIVE DATE

September 1, 2021.