

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 22, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB239 by Murr (Relating to the punishment for certain controlled substance offenses committed in a drug-free zone; increasing criminal penalties.), **As Introduced**

Enhancing the penalty for a criminal offense is expected to result in additional demands on the correctional resources of the State. The probable fiscal impact of implementing the bill is indeterminate due to the lack of information required to identify cases in which the offense occurred within a drug-free zone. Data on the specific location of the offense are necessary to determine the full extent of the fiscal implications of implementing the provisions of the bill.

The bill would amend the Health and Safety Code as it relates to drug-free zones. Under the provisions of the bill, certain drug offenses would be enhanced from a second to a first-degree felony if shown at trial the offense was committed within a drug free zone.

Enhancing the penalty for a criminal offense is expected to result in additional demands on the correctional resources of the counties or of the State due to an increase in individuals placed under supervision in the community, sentenced to terms of confinement in state correctional institutions, or placed under parole supervision. The bill may have a negative fiscal impact by increasing the number of people under felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information with the necessary level of detail to identify the number of persons who committed offenses at locations qualifying as a drug-free zone as outlined in the bill's provisions.

The Office of Court Administration and the Department of Criminal Justice indicate the modifications outlined in the bill's provisions would not result in a significant fiscal impact.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin, 696 Department of Criminal Justice

LBB Staff: JMc, DKN, LM, DGI