

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 5, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB498 by Wu (Relating to the prosecution of and penalties for possession of one ounce or less of marihuana.), **As Introduced**

Reducing the penalty for any criminal offense is expected to result in fewer demands upon the correctional resources of counties or of the State. 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 1 ounce or less, or between 1 and 2 ounces, or the location where an offense took place. These data are necessary to determine the fiscal implications associated with the bill's provisions.

Under the provisions of the bill, the penalty for the possession of one ounce or less of marihuana would be reduced from a Class B to a Class C misdemeanor and the Class B misdemeanor punishment to possession of marihuana would be associated with possession of more than one ounce but not more than of two ounces. The bill would also allow for the possession of one ounce 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 fiscal impact by decreasing the number of people under misdemeanor community supervision. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of data that would allow those cases in which the amount of marihuana possessed was one ounce or less to be isolated from all other cases within the penalty range which currently covers two ounces or less. The Comptroller of Public Accounts indicates the fiscal implications to the state associated with the bill's provisions cannot be estimated at this time.

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. The Texas Association of Counties was unable to estimate the fiscal impact of the bill on units of local government.

Source Agencies: 212 Office of Court Admin, 304 Comptroller of Public Accounts

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