

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 18, 2021**

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

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2146** by Allen (Relating to the punishment of certain controlled substance offenses committed in a drug-free zone.), **As Introduced**

**Reducing the circumstances under which the penalty for an offense may be enhanced could result in fewer demands on the correctional resources of the counties or 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 in a specific area designated as a drug-free zone. These 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 various codes as they relate to drug-free zones. Under the provisions of the bill, the circumstances under which the penalty for certain drug offenses could be enhanced would be reduced, and certain drug offenses would no longer be subject to drug-free zone enhancement.

Reducing the circumstances under which the penalty for an offense may be enhanced could result in fewer demands on the correctional resources of the counties or of the State due to a decrease 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 positive fiscal impact by decreasing the number of people on 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 drug-free zones. The Office of Court Administration indicates implementing the provisions of the bill would not result in a significant fiscal impact to the state court system.

**Local Government Impact**

The fiscal implications of the bill cannot be determined at this time.

**Source Agencies:** 212 Office of Court Admin

**LBB Staff:** JMc, DKN, LM, AF, DGI