

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**May 15, 2021**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

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

**IN RE: HB2593** by Moody (Relating to the criminal penalties for the possession of certain tetrahydrocannabinols under the Texas Controlled Substances Act.), **As Engrossed**

**Decreasing the penalties for a criminal offense is expected to 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 or data to distinguish possession of tetrahydrocannabinols cases from all other possession of a controlled substance in penalty group 2 cases. This information is necessary to determine the full extent of the fiscal implications associated with implementing the proposed penalty changes.**

The bill would amend various codes as they relate to possession of certain tetrahydrocannabinols and related substances. Under the provisions of the bill, tetrahydrocannabinols and its related substances as outlined in the bill would be transferred to newly created penalty group and criminal penalties for possession would be punishable as a misdemeanor or felony depending on the circumstances of the offense.

The bill may have a positive fiscal impact by decreasing 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 on the number of cases where the possession of a controlled substance involved tetrahydrocannabinols or a related substance as outlined in the bill.

According to the Office of Court Administration (OCA), the number of cases that would fall into the new offense categories is indeterminate; however, OCA does not anticipate a significant fiscal impact to the state as a result of implementing the bill's provisions.

**Local Government Impact**

According to the Office of Court Administration (OCA), the number of cases that would fall into the new offense categories is indeterminate; however, OCA does not anticipate a significant fiscal impact to local governments.

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

**LBB Staff:** JMc, SMAT, DKN, LM, SPA