

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

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

**April 19, 2021**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: SB811** by Schwertner (Relating to a defense to prosecution for certain offenses involving possession of small amounts of controlled substances, marihuana, dangerous drugs, or abusable volatile chemicals, or possession of drug paraphernalia for defendants seeking assistance for a suspected overdose.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend various sections of the Health and Safety Code as they relate to the prosecution of certain offenses involving controlled substances and prohibited drugs, substances, or paraphernalia. Under the provisions of the bill, being the first person to request emergency medical assistance during an ongoing medical emergency, remaining on the scene until medical assistance arrives, and cooperating with medical assistance and law enforcement personnel in response to the possible controlled substance overdose of the person or another would provide for a defense to prosecution in certain circumstances. In addition, the bill would provide for a defense to prosecution if the actor was a victim of a possible overdose for which emergency medical assistance was requested during an ongoing medical emergency in certain circumstances.

This analysis assumes implementing the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies. According to the Office of Court Administration, no significant impact on the state court system is anticipated.

**Local Government Impact**

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. 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 A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Lost revenue from reduced fines imposed and collected is not anticipated to have a significant fiscal impact.

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

**LBB Staff:** JMc, DKN, CMA, ANE, AKI