

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 6, 2023

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB369 by Thompson, Senfronia (Relating to the criminal penalty for possession of certain small amounts of controlled substances in Penalty Group 1 or 1-B.), **As Introduced**

Reducing the penalty for an existing offense may result in reduced demands upon state correctional resources due to a possible decrease in the number of individuals placed under supervision in the community or sentenced to a term of confinement. The impact on state correctional populations or on the demand for state correctional resources cannot be determined due to the lack of data to identify cases with a controlled substance weight below the threshold specified by the bill from all other cases of possession of less than one gram of a Penalty Group 1 or 1-B controlled substance.

The bill would remove possession of up to 0.02 grams as conduct constituting the state jail felony offense of possession of a Penalty Group 1 or 1-B controlled substance of less than one gram and create a minimum threshold of a usable quantity that is more than 0.02 grams.

The Office of Court Administration and the Comptroller of Public Accounts indicate that the fiscal implication of the bill cannot be determined without certain case-level data and that the bill may result in a reduction of revenue from the collection of fines and court costs. Based on the February 2023 *Criminal and Juvenile Justice Uniform Cost Report*, the fiscal year 2022 uniform cost per day for an individual in a state jail facility was \$73.39, which resulted in an annual cost of \$26,787 per individual.

Local Government Impact

While the fiscal impact cannot be determined, reducing the penalty for an existing offense may result in reduced demands upon local correctional resources due to a possible decrease in the number of individuals placed under supervision in the community or sentenced to a term of confinement.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JMc, DDel, LBO, ESch