

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

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**March 27, 2023**

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

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

**IN RE: HB382** by Collier (Relating to a defense to prosecution for the possession of certain consumable hemp products containing a controlled substance or marihuana.), **As Introduced**

Exempting certain individuals from the applicability of an existing criminal offense may result in a decrease in 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 fiscal implications of the bill cannot be determined due to the lack of data necessary to identify the prevalence of conduct that would qualify for an exemption under the bill.

The bill would create an exemption from an offense involving the possession of a controlled substance or marihuana if the person possesses a product labeled as containing a legal consumable hemp product that actually contains another controlled substance or marihuana if the person purchased the product from a retailer the person reasonably believed was authorized to sell a consumable hemp product.

The impact on state correctional populations or on the demand for state correctional resources cannot be determined due to the lack of data necessary to identify the prevalence of conduct that would qualify for an exemption under the bill.

Based on the February 2023 *Criminal and Juvenile Justice Uniform Cost Report*, the fiscal year 2022 uniform state cost per day was \$2.24 for an individual on adult community supervision, \$4.87 for an individual on juvenile probation supervision, \$77.49 for an individual in an adult state correctional institution, and \$709.66 for an individual in a juvenile state secure residential facility.

**Local Government Impact**

While the fiscal impact to units of local government cannot be determined, exempting certain individuals from the applicability of an existing criminal offense may result in a decrease in 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