

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

February 28, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB513 by Metcalf (Relating to the manufacture or delivery of a controlled substance or marihuana causing death or serious bodily injury; creating a criminal offense; increasing a criminal penalty.), **As Introduced**

Increasing the penalty for an existing criminal offense may result in increased demands upon state correctional resources due to a possible increase 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 the number of cases where the manufacture or delivery of a controlled substance resulted in serious bodily injury or death.

The bill would create the criminal offense of manufacturing or delivering a controlled substance in violation of the Texas Controlled Substances Act causing serious bodily injury or death. The offense would be a third degree felony for serious bodily injury and a second-degree felony for death, and an individual would not be allowed to serve the sentence concurrently with any other sentence. Current law includes penalty enhancements for certain felony manufacture and delivery of controlled substances offenses when the offense causes serious bodily injury or death, but the bill would increase the penalties for those and all manufacturing or delivering a controlled substance in violation of the Texas Controlled Substances Act causing serious bodily injury or death.

According to the Comptroller of Public Accounts, although creating a new criminal penalty offense and increasing a criminal penalty could result in an increase in revenue due to fines, costs, or fees associated with a criminal offense, the extent to which state revenue would be affected would not be significant.

The Office of Court Administration does not anticipate a significant fiscal impact to the state court system, as the bill does not create or impose additional duties on the courts or amend or create a court cost.

Local Government Impact

While the fiscal impact cannot be determined, increasing the penalty for an existing offense may result in increased demands upon local correctional resources due to a possible increase 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, 644 Juvenile Justice Department, 696 Department of Criminal Justice

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