

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

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

**March 8, 2023**

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

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

**IN RE: SB645** by Huffman (relating to the designation of fentanyl poisoning for purposes of the death certificate and to the criminal penalties for certain controlled substance offenses; increasing a criminal penalty.), **Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would clarify penalty levels for certain felony controlled substance offenses as first degree felonies and clarify the applicability of the penalty enhancement for committing the offense while engaging in organized criminal activity. The bill would increase the penalty for manufacture or delivery of a Penalty Group 1-B controlled substance of less than one gram from a state jail felony to a third degree felony, and if the offense is committed in a drug-free zone, increase the minimum term of confinement by five years and double the maximum fine. The bill would add unlawful possession with intent to deliver a Penalty Group 1-B controlled substance to the list of offenses subject to the penalty enhancement for committing the offense while engaging in organized criminal activity.

It is assumed that any fiscal impact and any impact on state correctional populations or on the demand for state correctional resources would not be significant.

**Local Government Impact**

While 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, it is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 537 State Health Services, Department of, 644 Juvenile Justice Department, 696 Department of Criminal Justice

**LBB Staff:** JMc, DDeI, LBO, DGI