

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 7, 2015**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB414** by Dutton (Relating to the penalties for possession of one ounce or less of marihuana or a synthetic cannabinoid.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code to reclassify an offense of possession of marihuana or a synthetic cannabinoid from a Class B misdemeanor to a Class C misdemeanor if the aggregate weight of the substance is one ounce or less.

If the defendant had been previously convicted three or more times for possession of marihuana or a synthetic cannabinoid in the 24-month period preceding committing the current offense, the offense would remain a Class B misdemeanor and the defendant would not be ineligible for community supervision under Article 42.12, Code of Criminal Procedure.

**Local Government Impact**

A Class C misdemeanor is punishable by a fine of not more than \$500. Offenders with an aggregate weight of marihuana or a synthetic cannabinoid of one ounce or less would pay fees rather than spend time in county jails, creating a savings to counties.

Savings to counties would vary depending on the number of future cases, number of repeat offenders, and total weight of the controlled substance in each case.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 537 State Health Services, Department of

**LBB Staff:** UP, KJo, SD, EK, ESi, KKR, LM