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FISCAL IMPACT REPORT

SPONSOR Garcia, M.P. DATE TYPED 1/21/05 HB 110

SHORT TITLE Methamphetamine Offenses Revision SB _____

ANALYST Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			See Narrative		

SOURCES OF INFORMATION

LFC Files

Responses Received From
Administrative Office of the District Attorneys (AODA)

SUMMARY

Synopsis of Bill

House Bill 110 adds methamphetamine, its salts, and isomers to the list of drugs in the statute section defining drugs to which a person can be criminally charged with “trafficking in a controlled substance.”

It also exempts methamphetamine, its salts and isomers from the statute section defining drugs which a person can be criminally charged with “distributing”.

Significant Issues

By changing the statute, individuals who are “distributing, selling, bartering or giving away” methamphetamine, its salts and isomers, can be charged criminally with “Trafficking in a Controlled Substance”, a second degree felony. As the statute currently stands, there is no provision which allows a charge of trafficking in methamphetamine. Current law allows persons to be charged with distribution which is a lesser offense than trafficking.

FISCAL IMPLICATIONS

The fiscal implications are indeterminable at this time. However, as various laws have been passed either creating new offenses or enhancing penalties the courts caseloads have increased.

ADMINISTRATIVE IMPLICATIONS

This could result in more jury trials as the penalties are increased. It would create additional work for the courts staff and attorneys.

TECHNICAL ISSUES

The AODA claims that on page 2, lines 4 & 13 deletes “or” in a list of types of drugs which could be charged in the trafficking or possession with intent to distribute charge. This “or” is necessary for the clear reading of the options contained within the charging statute. The list is unclear without the “or”.

DW/lg:yr