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FISCAL IMPACT REPORT

ORIGINAL DATE 1-23-06
 SPONSOR Cervantes LAST UPDATED 2-14-06 HB 179/aSPAC/SJC
 SHORT TITLE Methamphetamine Trafficking Penalties SB _____
 ANALYST McOlash/Earp

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Corrections Department (CD)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Amendment restores language “excluding private property and residentially zoned or used primarily as a residence” giving these properties the same standing as “drug free school zones.”

Synopsis of SPAC Amendment

The Senate Public Affairs Committee Amendment makes grammatical adjustments to the language in the bill extending the definition of a drug-free school zone to include parochial school or private school property or property that is used for parochial school or private school purposes.

Synopsis of Original Bill

House Bill 179 amends the Controlled Substance Act to include the distribution, sale, barter or giving away of methamphetamine, its salts, isomers and salts of isomers and the possession with intent to distribute methamphetamine, its salts, isomers and salts of isomer in the definition of “trafficking”.

The bill expands a drug-free school zone to include private and parochial schools and no longer excludes private property residentially zoned or used primarily as a residence from the definition of a drug-free school zone.

The effective date is July 1, 2006.

FISCAL IMPLICATIONS

The CD indicates trafficking methamphetamine (within or outside a drug-free school zone) is likely to increase the overall number of convictions, and could have a moderate to substantial negative fiscal impact on the Corrections Department. Department costs will increase due to increased prison populations and increased probation/parole caseloads.

SIGNIFICANT ISSUES

Individuals who intend to traffic methamphetamine are guilty of a second degree felony for a first offense and of a first degree felony for a second and subsequent offense. This will increase the number of individuals charged with and convicted of trafficking.

BMC/yr:nt