



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 700** HLS 22RS 640
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: March 22, 2022 5:57 PM	Author: BAGLEY
Dept./Agy.: DPS&C - Youth Services	
Subject: Penalty for possession of marijuana	Analyst: Rebecca Robinson

CONTROLLED SUBSTANCES OR SEE FISC NOTE GF EX Page 1 of 1
 Provides relative to penalties for possession of marijuana for people under the age of 18

Proposed legislation provides for new penalties for the possession of marijuana for persons under the age of 18.

EXPENDITURES	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>2026-27</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						

EXPENDITURE EXPLANATION

There may be a minimal fiscal impact to the Department of Public Safety & Corrections - Youth Services as a result of the proposed new penalties for the possession of marijuana for persons under the age of 18. The net fiscal impact of the changes to the period of incarceration in the proposed legislation is indeterminable, as it is not known the number of juveniles that may be incarcerated under the proposed penalties as compared to the penalties under current law.

Under current law, a first offense or any subsequent conviction for the possession of 14 grams or less of marijuana, results in a penalty of a \$100 fine. Under the proposed legislation, a juvenile convicted for the possession of 14 grams or less of marijuana may be sentenced to imprisonment for not more than 15 days. The proposed change may result in a minimal increase in expenditures for Youth Services.

Under current law, the maximum period of imprisonment on a fourth or subsequent conviction for the possession of marijuana is not more than 8 years. Under the proposed legislation, the maximum period of imprisonment for a fourth or subsequent conviction is not more than 4 years. To the extent a juvenile is convicted of a fourth or subsequent offense and sentenced to any period of incarceration, there may be a decrease in expenditures for Youth Services.

Proposed legislation allows for juvenile offenders to be placed on probation or any other dispositional alternative for a conviction of the possession of marijuana, for any level of offense. The Department of Youth Services reports that under current law, the majority (84.25%) of juveniles convicted of the possession of marijuana are placed on probation, rather than placed in custody. The Department of Youth Services does not expect a material change in aggregate jail time for juvenile offenders.

To the extent that any juvenile offenders are sentenced to incarceration, the cost of care is listed below.
 Cost per day for youth in secure care: \$284.16 for Bridge City; \$160.93 for Acadiana; \$162.13 for Swanson-Monroe; \$124.11 for Swanson-Columbia.
 Cost per day for detention: \$122.21 for pending secure care; \$26.39 for pending non-secure care.
 Cost per day in non-secure (group home): \$165.62

REVENUE EXPLANATION

There will be an indeterminable decrease in local fund revenues to local governmental entities. The proposed legislation removes all fines from the penalties for the conviction of the possession of marijuana for persons under the age of 18.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}	<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}	<input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}	 Alan M. Boxberger Interim Legislative Fiscal Officer
<input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}			