

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 121** HLS 10RS 733

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: June 21, 2010	11:46 AM	Author: MILLS, FRED
Dept./Agy.: Corrections		Analyst: Matthew LaBruyere
Subject: Controlled Dangerous Substances		

CONTROLLED SUBSTANCES EN INCREASE GF EX See Note
Amends the composition of schedules for controlled dangerous substances

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Proposed legislation adds certain drugs to Schedules I through V while retaining the present law. The penalty for Schedule I substances for intent to produce, manufacture, or distribute is imprisonment at hard labor for not less than 5 years nor more than 10 years and a fine of not more than \$50,000; and the penalty for possession is imprisonment at hard labor for not more than 10 years, and may in addition, be required to pay a fine of not more than \$5,000. The penalty for Schedules II, III, IV, and V substances for intent to produce, manufacture, or distribute is imprisonment at hard labor for not more than 10 years, and may in addition, be required to pay a fine of not more than \$15,000; and the penalty for possession is imprisonment with or without hard labor for not more than 5 years and, in addition, may be sentenced to pay a fine of not more than \$5,000. Proposed legislation applies present law penalties for possession of marijuana to the possession of synthetic cannabinoids.

EXPENDITURES	2010-11	2011-12	2012-13	2013-14	2014-15	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0
REVENUES	2010-11	2011-12	2012-13	2013-14	2014-15	5 -YEAR TOTAL
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	SEE BELOW					
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed legislation could result in an increase in state general fund expenditures. The exact fiscal impact of the passage of this legislation is indeterminable, since it is not possible to know how many people will be convicted of crime associated with the changes proposed by this bill or the length of incarceration. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$24.39 per day per offender in local facilities. To the extent that offenders are sentenced and housed in state facilities, the cost per day per offender is \$54.49. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

Also, according to the Louisiana Board of Pharmacy, the proposed legislation places no new requirements on the Board. The bill seeks to add new drugs already found on federal schedules so there will be no measurable impact on the Board.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure. However, any revenue generated through the imposition of fines resulting from this legislation would accrue to local government entities.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost
 13.5.2 >= \$500,000 Annual Tax or Fee Change

House
 6.8(F) >= \$100,000 Annual SGF Cost
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease

Robert E. Hosse
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LFO Staff Director