

LEGISLATIVE FISCAL OFFICE Fiscal Note

Fiscal Note On: **HB 212** HLS 14RS 1020

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Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.: Sub. Bill For.:

Date: May 6, 2014 8:26 AM Author: LEBAS

Dept./Agy.: Corrections

Subject: Controlled Substances Analyst: Stephanie C. Blanchard

CONTROLLED SUBSTANCES

EN INCREASE GF EX See Note

Adds certain compounds to the Uniform Controlled Dangerous Substances Law

Present law provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse.

The <u>proposed legislation</u> retains <u>present law</u> and adds 4-anilino-N-phenethyl-4-piperidine (ANPP) as an immediate precursor to fentanyl to Schedule II, adds Perampanel, Methasterone, and Prostanozol to Schedule III, and adds Lorcaserin and Alfaxalone to Schedule IV.

EXPENDITURES	2014-15	2015-16	2016-17	2017-18	2018-19	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2014-15	2015-16	2016-17	2017-18	2018-19	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						

EXPENDITURE EXPLANATION

The proposed legislation may result in an increase in state general fund expenditures if a defendant is convicted of unlawful production, manufacture, distribution, or dispensing or possession of prohibited stimulant products. The exact fiscal impact of the passage of this legislation is indeterminable, since it adds three substances to the list of Controlled Dangerous Substances and it is not known how many people will be convicted of this crime. 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 \$52.51. Currently, the Department of Corrections houses approximately 50% of state offenders at the local level and 50% at the state level.

Current law provides that the penalty "...to produce, manufacture, distribute, or dispense or possess with the intent to produce, manufacture, distribute, or dispense..." is imprisonment with hard labor for not more than 10 years. The penalty for possession of any controlled dangerous substance classified in Schedules II, III, and IV is imprisonment with or without hard labor for not more than 5 years.

For illustrative purposes, if 10 persons are convicted of this crime, with 5 offenders housed at the local level and 5 offenders at the state level, the annual cost of incarceration would be \$44,512 at the local level (5 offenders x \$24.39 per day x 365 days) and \$95,831 at the state level (5 offenders x \$52.51 per day x 365 days) for a total cost of \$140,343 (\$44,512 + \$95,831).

REVENUE EXPLANATION

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

Current law provides that the fine "...to produce, manufacture, distribute, or dispense or possess with the intent to produce, manufacture, distribute, or dispense..." is not more than \$15,000.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}		
13.5.1 >	>= \$100,000 Annual Fiscal Co	st {S&H}	6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & S}	Evan	Brasseaux
 	>= \$500,000 Annual Tax or Fe			Evan Brasseaux	K
_	Change {S&H}	·	or a Net Fee Decrease {S}	Staff Director	