LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB** **103** HLS 13RS 507
Bill Text Version: **REENGROSSED**
Opp. Chamb. Action:

Proposed Amd.:
Sub. Bill For.:

Date: June 4, 2013 10:13 AM		**Author:** BADON
Dept./Agy.: Corrections		
Subject: Possession of marijuana		**Analyst:** Stephanie C. Blanchard

CRIMINAL/SENTENCING   RE DECREASE GF EX See Note

Reduces criminal penalties for possession of marijuana and prohibits the applicability of the Habitual Offender Law relative to possession of marijuana

Present law provides for the following penalties with regard to the crime of possession of marijuana or synthetic cannabinoids: (1) On a first conviction, fined not more than $500, imprisoned in the parish jail for not more than six months, or both. (2) On a second conviction, fined not less than $250 nor more than $2,000, imprisoned with or without hard labor for not more than five years, or both. Requires that certain conditions be met if the offender is placed on probation, including substance abuse treatment and community service. (3) On a third or subsequent conviction, imprisonment with or without hard labor for not more than 20 years, and may, in addition, be sentenced to pay a fine of not more than $5,000. Provides for increased penalties for habitual offenders, including offenders who have been convicted of possession of marijuana or synthetic cannabinoids.

Proposed law amends the penalties possession of marijuana as follows: (1) On a first conviction, retains present law.

EXPENDITURES	2013-14	2014-15	2015-16	2016-17	2017-18	5 -YEAR TOTAL
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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						

REVENUES	2013-14	2014-15	2015-16	2016-17	2017-18	5 -YEAR TOTAL
State Gen. Fd.	$0	$0	$0	$0	$0	$0
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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						

EXPENDITURE EXPLANATION

The proposed legislation will result in a decrease in state general fund expenditures of approximately $1.6 million in FY 14 as a result of decreasing the penalties for possession of marijuana. A savings will be recognized by the state for each day an offender is released under parole supervision and is not incarcerated in a local or state facility.

According to the Department of Corrections, the average number of admissions for 1st and 2nd offense is 400 offenders per year with an average sentence length of 1.5 years. Assuming this legislation is passed and becomes effective August 15, 2013, there would be a savings in the first year of approximately $1.6 million. This projected savings assumes admits remain constant throughout the year and the total number of days served would decrease by 65,505 (65,505 x $24.39 per day). Based on the methodology used in FY 14, savings in FY 15 would be approximately $4 million due to a decrease of 166,056 days served, and savings in third and subsequent years would be approximately $4.1 million due to a decrease of 167,079 days served.

Any 3rd or subsequent offense conviction savings would be negligible under proposed law.

In addition, proposed law prohibits the Habitual Offender Law from applying when all underlying criminal convictions are for possession of marijuana. If an offender's sentence is reduced accordingly, the state could realize a potential savings of $47.74 per offender per day or $17,425 annually if the offender is housed at a state facility or $24.39 per offender per day or $8,902 annually if the offender is housed at a local facility.

Note: The savings indicated above are estimates and may be negated by back-filling beds and recidivism.

REVENUE EXPLANATION

The proposed legislation may result in an indeterminable increase in self-generated revenue. For each offender that is released to parole at an earlier date, the Department of Corrections could collect up to $63 per month from each offender under parole supervision. It should be noted that the maximum amount paid per month is $63 and the offender's ability and amount he is required to pay is determined by the Board of Parole.

Senate	Dual Referral Rules	House	
☐ 13.5.1 >= $100,000 Annual Fiscal Cost {S&H}		☐ 6.8(F) >= $500,000 Annual Fiscal Cost {S}	*[signature]* Gregory V. Albrecht
☐ 13.5.2 >= $500,000 Annual Tax or Fee Change {S&H}		☐ 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S}	**Gregory V. Albrecht** **Chief Economist**

LEGISLATIVE FISCAL OFFICE
Fiscal Note

Date: June 4, 2013 10:13 AM	**Author:** BADON
Dept./Agy.: Corrections	
Subject: Possession of marijuana	**Analyst:** Stephanie C. Blanchard

CONTINUED EXPLANATION from page one:

Continued Explanation of Purpose on Page one:

(2) On a second conviction, fined not more than $500, imprisoned for not more than two years, or both. (3) On a third conviction, fined not more than $2,000, imprisoned with or without hard labor for not more than five years, or both. (4) On a fourth or subsequent conviction, fined not more than $2,000, imprisoned with or without hard labor for not more than eight years, or both. Prohibits the Habitual Offender Law from applying when all underlying criminal convictions are for possession of marijuana.

Senate	Dual Referral Rules	House	
☐ 13.5.1 >= $100,000 Annual Fiscal Cost {S&H}		☐ 6.8(F) >= $500,000 Annual Fiscal Cost {S}	*Gregory V. Albrecht*
☐ 13.5.2 >= $500,000 Annual Tax or Fee Change {S&H}		☐ 6.8(G) >= $500,000 Tax or Fee Increase or a Net Fee Decrease {S}	**Gregory V. Albrecht** **Chief Economist**