

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 59** HLS 19RS 182

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 20, 2019	6:49 AM	Author: MARCELLE
Dept./Agy.: Public Safety		Analyst: Monique Appeaning
Subject: Specific Criminal Penalties for Possessing Marijuana, etc.		

DRUGS/CONTROLLED EG SEE FISC NOTE LF EX See Note
Provides relative to penalties for possession of marijuana

Proposed law changes specific criminal penalties for any person knowingly or intentionally possessing marijuana, tetrahydrocannabinol, or chemical derivatives.

EXPENDITURES	2019-20	2020-21	2021-22	2022-23	2023-24	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

REVENUES	2019-20	2020-21	2021-22	2022-23	2023-24	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law may result in a Local Funds expenditure decrease to the extent elimination of imprisonment for a first conviction with 14 grams or less results in a net decrease of days imprisoned statewide. The total expenditure impact is indeterminable and not anticipated to be significant at the statewide level but individual metropolitan areas may realize varying impacts.

Present law provides specific penalties for a **first conviction** of possession of marijuana:

- (1) Offender possesses 14 grams or less - imprisoned for not more than 15 days.
- (2) Offender possesses more than 14 grams - imprisoned for not more than six months.

Proposed law amends specific penalties for a **first conviction** of possession of marijuana:

- (1) Possession of 14 grams or less - the court may impose 48-hours of court-approved community service activities instead of a \$300 fine.
- (2) Possession of more than 14 grams but less than 28 grams - maximum imprisonment term of not more than six months and the court may impose 48-hours of court-approved community service activities.
- (3) Possession of 28 grams or more - maximum imprisonment term of not more than six months and the court may impose 48-hours of court-approved community service activities.

A conviction for any person intentionally possessing marijuana, tetrahydrocannabinol, or a chemical derivatives for specific quantities in proposed law are misdemeanors and would result in expenditures for local governing authorities. Proposed law imposes a maximum imprisonment term of six months at the local level.

REVENUE EXPLANATION

Proposed law may create an indeterminable impact on Local Funds revenue as a result of potential fine changes if an offender's first conviction for the crime of possession of marijuana is for possessing more than 14 grams but less than 28 grams. The potential net effect on sentencing decisions cannot be determined and the potential revenue impact may be an increase or decrease depending on the number of convictions and the grams possessed per conviction on average. The potential revenue will accrue to the local governing authority.

Present law provides for the following penalties with regard to a **first conviction** of possession of marijuana:

- (1) Offender possesses 14 grams or less - fined up to \$300.
- (2) Offender possesses more than 14 grams - fined up to \$500.

Proposed law amends the penalties for a **first conviction** of possession of marijuana as follows:

- (1) Offender possesses 14 grams or less - fined up to \$300.
- (2) Offender possesses more than 14 grams but less than 28 grams - fined up to \$300.
- (3) Offender possesses 28 grams or more - fined up to \$500.

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

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
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Staff Director