

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 165** HLS 24RS 510
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 5, 2024	2:10 PM	Author: BOYD
Dept./Agy.: Corrections/Courts		Analyst: Daniel Druilhet
Subject: Penalties for Marijuana Drug Paraphernalia		

CRIME EG DECREASE LF EX See Note Page 1 of 1
 Provides relative to marijuana paraphernalia

Current law imposes a delineated list of penalties for convictions related to transactions in drug related objects or possession or use of drug paraphernalia - on first conviction, a fine of no more than \$300, or imprisonment for no more than 15 days, or both; on second conviction, a fine of no more than \$1,000 or imprisonment for no more than six months, or both; on third or subsequent conviction, a fine of no more than \$2,500 or imprisonment for no more than 2 years, or both; for a second or subsequent conviction by any person licensed under the occupational license tax law, forfeiture of the right to any permit issued thereunder with the possibility of suspension or revocation of the permit. Proposed law reduces the penalty for a first or subsequent conviction for possession or use of drug paraphernalia intended for the use, storage, packaging, inhaling, or ingestion of marijuana to a fine of not more than \$100.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	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	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	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	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable decrease in Local Funds expenditures for local governing authorities if a person is convicted of possession or use of drug paraphernalia intended for use, storage, packaging, inhaling, or ingestion of marijuana is fined \$100 instead of imprisoned. This legislation reduces the penalty relative to a misdemeanor offense (on first conviction) and a relative felony (on third or subsequent conviction, with or without hard labor), and eliminates all sentences of imprisonment for defendants who are convicted.

Proposed law will likely result in an indeterminable decrease in SGF expenditures in the Department of Public Safety and Corrections - Corrections Services (DPS&C - CS), if a person receives a third or subsequent felony conviction for possession or use of drug paraphernalia intended for use, storage, packaging, inhaling, or ingestion of marijuana, is fined \$100 instead of imprisoned. DPS&C-CS advises that impacts on offender populations are anticipated to impact the number of offenders held in local facilities, and that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities. Those convicted will only be subject to a \$100 fine, rather than being sentenced and then subsequently housed in a local facility at rate of \$26.39 per offender per day. The exact fiscal impact of the passage of this legislation is indeterminable, because it is not known how many convicted people will receive fines instead of imprisonment as a result of its potential enactment.

To the extent that offenders sustain a third or subsequent misdemeanor conviction for proposed law, local governing authorities will sustain an decrease in Local Funds expenditures. Those convicted will only be subject to a \$100 fine, rather than being sentenced and then subsequently housed in a local facility. The exact fiscal impact of the passage of this legislation to local governing authorities is indeterminable, since it is not known how many people previously subject to imprisonment in local facilities will only be subject to the \$100 fine.

REVENUE EXPLANATION

Proposed law will likely result in an indeterminable decrease in local revenues as a result of convictions of possession or use of drug paraphernalia intended for use, storage, packaging, inhaling, or ingestion of marijuana, as it reduces the maximum fine that can be assessed to offenders in first or subsequent convictions. The exact fiscal impact of the passage of this legislation on local revenue is indeterminable, as the fines that would be imposed on those convicted are variable in nature, and the number of fines that will be imposed on offenders convicted of proposed law is unknown.

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| <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"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} | |


Patrice Thomas
Deputy Fiscal Officer