



LEGISLATIVE FISCAL OFFICE

Fiscal Note

Fiscal Note On: **HB 165** HLS 24RS 510Bill Text Version: **ENGROSSED**Opp. Chamb. Action: **w/ SEN COMM AMD**

Proposed Amd.:

Sub. Bill For.:

Date: May 14, 2024 **3:29 PM****Author:** BOYD**Dept./Agy.:** Corrections/Courts**Subject:** Penalties for Marijuana Drug Paraphernalia**Analyst:** Daniel Druilhet

CRIME

EG1 DECREASE LF EX See Note

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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 changes the penalty for a first or subsequent conviction for possessing drug paraphernalia intended for, or used solely for, the inhalation, ingestion, epidermal or sublingual absorption, or other method of introducing marijuana or marijuana derivatives into the human body for quantities of paraphernalia not exceeding those required for individual personal use as follows - on first conviction, a fine of \$100, and on second conviction, a fine of \$500, and on third or subsequent conviction, a fine of \$2,500.

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, \$500, or \$2,500, 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 second or subsequent felony conviction for possession or use of drug paraphernalia intended for use, storage, packaging, inhaling, or ingestion of marijuana, is fined \$500 or \$2,500 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 \$500 or \$2,500 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 second or subsequent misdemeanor conviction for proposed law, local governing authorities will sustain a decrease in Local Funds expenditures. Those convicted will only be subject to a \$500 or \$2,500 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 respective fines imposed.

REVENUE EXPLANATION

Proposed law will likely result in an indeterminable decrease in local revenues as a result of second 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.

Senate Dual Referral Rules

House

 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H} 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} 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}Patrice Thomas
Deputy Fiscal Officer