

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **SB 323** SLS 14RS 737  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.: **REVISED**

**Date:** April 21, 2014 4:23 PM **Author:** MORRELL  
**Dept./Agy.:** Corrections **Analyst:** Stephanie C. Blanchard  
**Subject:** Possession of marijuana

CRIME/PUNISHMENT OR INCREASE LF EX See Note Page 1 of 1

Reduces criminal penalties for marijuana possession and prohibits application of enhanced sentencing laws to second and subsequent offense marijuana possession. (gov sig)

Proposed law reduces the penalty for possession of marijuana for any offense, not only first offense, to a fine of up to \$100, or imprisonment for up to six months, or both. Retains present law penalties for first and subsequent offenses relative to possession of synthetic cannabinoids. Retains present law relative to prior convictions of possession of synthetic cannabinoids.

Present law provides relative to enhanced sentencing for second and subsequent violations of the Uniform Controlled Dangerous Substances Law. Proposed law retains present law except to exclude possession of marijuana from these enhanced sentencing provisions of present law.

EXPENDITURES	2014-15	2015-16	2016-17	2017-18	2018-19	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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						
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.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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>
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

The proposed legislation will result in an indeterminable but likely significant cost savings to the Department of Public Safety and Corrections (DPS&C) as a result of reducing criminal penalties for marijuana possession. This bill would provide that all possession offenses for marijuana would be a misdemeanor; therefore, these offenders are not sentenced to DPS&C.

According to DPS&C, there are 1,415 offenders incarcerated for possession of marijuana with an average sentence length imposed of 5 years. In 2013, there were 654 admissions with an average sentence length imposed of 4 years and 109 releases with an average sentence length imposed of 4 years. As proposed law ensures that all possession offenses of marijuana will now be considered misdemeanors, the state would realize a total savings of \$8,902 annually (\$24.39 per offender, per day x 365 days) for each offender going forward that would have entered into the DPS&C system. Assuming the number of admissions remains constant, the savings to DPS&C would be approximately \$23 million annually (654 admissions x 4 years x \$8,902 per offender annually).

Local law enforcement agencies will realize an indeterminable increase in expenditures associated with prison costs. The cost increase would depend on the number of persons convicted, the minimum sentence an offender serves, and the cost per day for a local law enforcement agency to incarcerate an offender. Proposed law imprisonment penalties would be up to six months for all offenses of marijuana possession and present law penalties ranged from up to six months for a first conviction to up to 20 years for a third or subsequent conviction.

In addition, there would be future indeterminable savings to the state associated with convictions of possession of marijuana no longer factoring into longer sentences due to sentencing enhancements as outlined in R.S.40.982 for second and subsequent violations of the Uniform Controlled Dangerous Substances Law.

**REVENUE EXPLANATION**

The proposed legislation may decrease revenue generated through the imposition of fines that accrue to local government entities. Fines for all offenses of possession of marijuana would be up to \$100. Present law fines range from up to \$500 for a first conviction to up to \$5,000 for third and subsequent convictions.

- Senate Dual Referral Rules House
- 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
  - 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}
  - 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
  - 6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & S}
  - 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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