

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 646** HLS 20RS 946
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 13, 2020 6:20 AM	Author: JORDAN
Dept./Agy.: Statewide	Analyst: Monique Appeaning
Subject: Decriminalization of Marijuana	

CONTROLLED SUBSTANCES OR SEE FISC NOTE GF EX Page 1 of 1
 Provides for the decriminalization of marijuana possession and distribution

Proposed law removes specific criminal penalties associated with the possession, distribution, or dispensing of marijuana. Proposed law shall become effective if the legislature provides for a statutory regulatory system for the legal sale and distribution of marijuana and establishes a sales tax on those sales.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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	2020-21	2021-22	2022-23	2023-24	2024-25	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 decrease in SGF expenditures to the Department of Public Safety and Corrections - Corrections Services (DPSC-CS) upon the removal of criminal penalties for the possession, distribution or dispensing of marijuana, contingent upon the legislature providing for a statutory regulatory system for the legal sale and distribution of marijuana and establishing a sales tax on those sales. DPSC-CS reports that there are 471 people incarcerated with an average sentence length of 5.8 years. Proposed law would result in an annual savings of approximately \$4.54 M (\$26.39 per person x 365 days x 471) if the people were housed in local facilities or approximately \$11.6 M (\$67.44 per person per day x 365 days x 471) if they were housed in state facilities.

Proposed law will result in an indeterminable decrease in LF expenditures to local governing authorities upon the removal of criminal penalties contingent upon the legislature providing for a statutory regulatory system for the legal sale and distribution of marijuana and establishing a sales tax on those sales.

Louisiana Public Defenders Board (LPDB) reports that this legislation, assuming contingent legislation is passed, would result in a net decrease of expenditures. In the last three (3) years, the public defender system has averaged about 5,300 cases per year in which some form of Possession of Marijuana was the dominant charge. This represents about 2% of all raw case numbers in the public defender system. It is difficult to determine how much caseload would actually decrease, as it is unknown of these cases also involve additional none-marijuana-related charges.

Louisiana District Attorneys Association (LDAA) reports that the caseload of prosecutors who prosecute these cases would decline. Court time and collection efforts would remain similar. LDAA reports that if possession, distribution or dispensing of marijuana were decriminalized but not legalized, crimes would still require prosecution (similar to traffic tickets), and in fact increase the prosecutor workload, resulting in a fiscal impact. However, this is impossible to quantify at this time.

REVENUE EXPLANATION

Proposed law will result in an indeterminable decrease in Local funds revenue as a result of the loss of potential fines upon the removal of criminal penalties contingent upon the legislature providing for a statutory regulatory system for the legal sale and distribution of marijuana and establishing a sales tax on those sales.

<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}

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