

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



Fiscal Note On: **HB 652** HLS 21RS 963

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

|   |         |                                  |
|---|---------|----------------------------------|
| <b>Date:</b> May 7, 2021                              | 4:35 PM | <b>Author:</b> GLOVER            |
| <b>Dept./Agy.:</b> Court/Local governmental entities  |         | <b>Analyst:</b> Rebecca Robinson |
| <b>Subject:</b> Penalties for possession of marijuana |         |                                  |

CONTROLLED SUBSTANCES EG DECREASE GF EX See Note  
Provides relative to penalties for possession of marijuana

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Present law provides criminal penalties (a fine up to \$300 and imprisoned for not more than 15 days, or both) for the first conviction for the possession of marijuana when the offender possesses 14 grams or less. Proposed law amends present law by adding that *any* conviction for the possession of marijuana of 14 grams or less be subject to the same penalty. Proposed law provides that if an offender alleges indigency, the court shall use its discretion to find alternatives to full payment, including installment payments or community service. Proposed law provides for enforcement by use of summons in lieu of custodial arrest.

| <b>EXPENDITURES</b> | <b>2021-22</b> | <b>2022-23</b> | <b>2023-24</b> | <b>2024-25</b> | <b>2025-26</b> | <b>5 -YEAR TOTAL</b> |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd.      | DECREASE       | DECREASE       | DECREASE       | DECREASE       | DECREASE       |                      |
| Agy. Self-Gen.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | INCREASE       | INCREASE       | INCREASE       | INCREASE       | INCREASE       |                      |
| <b>Annual Total</b> |                |                |                |                |                |                      |
| <b>REVENUES</b>     | <b>2021-22</b> | <b>2022-23</b> | <b>2023-24</b> | <b>2024-25</b> | <b>2025-26</b> | <b>5 -YEAR TOTAL</b> |
| State Gen. Fd.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Agy. Self-Gen.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | DECREASE       | DECREASE       | DECREASE       | DECREASE       | DECREASE       |                      |
| <b>Annual Total</b> |                |                |                |                |                |                      |

**EXPENDITURE EXPLANATION**

There will be a decrease in SGF expenditures to the Department of Public Safety & Corrections - Corrections Services (DPS&C) as a result of the proposed measure. Under present law, offenders convicted of the possession of marijuana on a third or subsequent conviction are convicted of a felony and would be remanded to the custody of DPS&C. Under proposed law, the possession of marijuana, 14 grams or less, is a misdemeanor for all convictions and those offenders will be remanded to local jurisdictions. Therefore, DPS&C will experience a decrease to the extent persons are convicted on third or subsequent offenses. A reduction in convictions could save DPS&C \$26.39 per day per offender and \$9,632 annually (\$26.39 per day per offender x 365 days) for those in adult local housing; and \$67.36 per day per offender and \$24,586 annually (\$67.36 per day per offender x 365 days) for those in a state facility. Local law enforcement agencies will realize an indeterminable increase in expenditures to the extent offenders are convicted of a first or subsequent conviction under the proposed law and are sentenced to not more than 15 days in jail.

**Note:** Under present law, R.S. 40:966(e)(i) and (f)(i), the possession of marijuana on a third or subsequent conviction is a felony and offenders are remanded to the custody of the DPS&C. Subsections (e)(i) and (f)(i) are silent as to the weight of marijuana in possession of the offender; and therefore, the LFO assumes that felony convictions under these subsections occur regardless of the weight of marijuana in possession.

**REVENUE EXPLANATION**

There will be an indeterminable decrease in self-generated revenue to the District Attorney's, the Louisiana Public Defender Board, Clerk of Courts, Sheriff's Departments, and other local governmental entities as a result of the reduction of the fine of not more than \$300 for second and subsequent convictions.

For illustrative purposes, the Louisiana Commission on Law Enforcement (LCLE) reports there were 18,943 arrests for the possession of marijuana under R.S. 40:966 in 2019. LCLE was unable to distinguish those arrests where the amount in possession was 14 grams or less.

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}

*Alan M. Boxberger*  
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**Staff Director**