

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



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

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.: **w/ PROP HSE FLOOR AMD**

Sub. Bill For.:

<b>Date:</b> May 10, 2021	8:23 AM	<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

Page 1 of 1

Present law provides criminal penalties (a fine up to \$300 and imprisonment 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 house floor amendments provide that on a first or subsequent conviction for the possession of marijuana, 14 grams or less, an offender shall not be fined more than \$100. Proposed amendments also provide language to clarify that R.S. 40:966 (d), (e)(i), and (f)(i) apply only when an offender possesses more than 14 grams of marijuana. 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	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
<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 which the penalty is a fine with no jail time. Therefore, DPS&C will experience a decrease to the extent persons are convicted on the 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.

Proposed house floor amendments provide for all convictions for the possession of marijuana, 14 grams or less, to be fined not more than \$100. Under the proposed amendments, local law enforcement agencies will realize an indeterminable decrease in expenditures associated with the removal of jail time as a penalty.

**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 from \$300 to \$100.

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**