

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



Fiscal Note On: **HB 14** HLS 14RS 120  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> April 2, 2014 4:19 PM	<b>Author:</b> BADON
<b>Dept./Agy.:</b> Corrections	<b>Analyst:</b> Stephanie C. Blanchard
<b>Subject:</b> Possession of marijuana	

CRIMINAL/SENTENCING OR -\$703,000 GF EX See Note Page 1 of 1

Amends certain criminal penalties for possession of marijuana and prohibits the applicability of the Habitual Offender Law relative to possession of marijuana

Present law provides for penalties with regard to the crime of possession of marijuana or synthetic cannabinoids.

Proposed law amends the penalties for possession of marijuana as follows: (1) On a first conviction, retains present law. (2) On a second conviction, fined not more than \$500, imprisoned with or without hard labor for not more than two years, or both. (3) On a third conviction, fined not more than \$2,000, imprisoned with or without hard labor for not more than five years, or both. (4) On a fourth or subsequent conviction, fined not more than \$2,000, imprisoned with or without hard labor for not more than eight years, or both. Prohibits the Habitual Offender Law from applying when all underlying criminal convictions are for possession of marijuana.

<b>EXPENDITURES</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	(\$703,000)	(\$7,700,000)	(\$13,400,000)	(\$13,400,000)	(\$13,400,000)	<b>(\$48,603,000)</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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>	<b>(\$703,000)</b>	<b>(\$7,700,000)</b>	<b>(\$13,400,000)</b>	<b>(\$13,400,000)</b>	<b>(\$13,400,000)</b>	<b>(\$48,603,000)</b>

<b>REVENUES</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

The proposed legislation will result in a decrease in state general fund expenditures of approximately \$703,000 in FY 15, \$7.7 million in FY 16, and \$13.4 million in subsequent years, as a result of decreasing the penalties for possession of marijuana. A savings will be recognized by the state for each day an offender is released under parole supervision and is not incarcerated in a local or state facility.

According to the Department of Corrections, the average number of admissions for 2nd offense is 339 offenders per year. Assuming this legislation is passed, there would be a savings in the first year of approximately \$310,000, approximately \$4.2 million in the second year, and approximately \$8.7 million for the third and subsequent years based on projected savings of approximately 1 year per offender and assuming admits remain constant.

The average number of admissions for 3rd offense is 170 offenders per year. Assuming this legislation is passed, there would be a savings in the first year of approximately \$393,000, approximately \$2.5 million for the second year, and approximately \$4.7 million for the third and subsequent years based on projected savings of approximately 1 year per offender and assuming admits remain constant.

Any 4th or subsequent offense conviction savings would be negligible under proposed law.

In addition, proposed law prohibits the Habitual Offender Law from applying when all underlying criminal convictions are for possession of marijuana. Currently, there are 72 offenders incarcerated under the Habitual Offender Law for possession of marijuana. If an offender's sentence is reduced accordingly, the state could realize a potential savings of \$52.51 per offender per day or \$19,167 annually if the offender is housed at a state facility or \$24.39 per offender per day or \$8,902 annually if the offender is housed at a local facility.

Savings are more likely to be incurred for offenders housed at the local level due to state facilities backfilling beds in a more timely manner. Any savings may also be reduced by recidivism.

**REVENUE EXPLANATION**

The proposed legislation may result in an indeterminable increase in self-generated revenue. For each offender that is released to parole at an earlier date, the Department of Corrections could collect up to \$63 per month from each offender under parole supervision. It should be noted that the maximum amount paid per month is \$63 and the offender's ability and amount he is required to pay is determined by the Board of Parole.

Senate	<u>Dual Referral Rules</u>	House	<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}	<i>Evan Brasseaux</i> Evan Brasseaux Staff Director
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		<input type="checkbox"/> 6.8(F)(2) >= \$500,000 State Rev. Reduc. {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}		