

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 149** HLS 15RS 488
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 12, 2015	1:44 PM	Author: BADON
Dept./Agy.: Corrections		Analyst: Monique Appeaning
Subject: Amends Criminal Penalties for Possession of Marijuana		

CRIMINAL/SENTENCING Page 1 of 2
 EG DECREASE GF EX See Note
 Amends certain criminal penalties for possession of marijuana and prohibits the applicability of the Habitual Offender Law relative to possession of marijuana

The proposed legislation amends the penalties and sentencing guideline changes for possession of marijuana. It also creates a new section for synthetic cannabinoids without any changes to the present law for penalties and the sentencing guidelines.

EXPENDITURES	2015-16	2016-17	2017-18	2018-19	2019-20	5 -YEAR TOTAL
State Gen. Fd.	(\$605,360)	(\$2,370,025)	(\$3,124,725)	(\$3,124,725)	(\$3,124,725)	(\$12,349,560)
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	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	(\$605,360)	(\$2,370,025)	(\$3,124,725)	(\$3,124,725)	(\$3,124,725)	(\$12,349,560)
REVENUES	2015-16	2016-17	2017-18	2018-19	2019-20	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	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Annual Total						

EXPENDITURE EXPLANATION

The proposed legislation will result in a significant decrease in state general fund expenditures as a result of changes to the sentencing guidelines. The second conviction is reduced from 5 years to 2 years imprisonment. The third conviction is reduced from a maximum of 20 years to a maximum of 5 years imprisonment. A fourth conviction was added that has a maximum of 8 years imprisonment. While the Department of Public Safety and Corrections (DPS&C) house offenders in state and local facilities, the decrease in expenditures presented will only focus on savings based on local housing of state offenders. DPS&C reports that any cost savings will be impacted at the local level as a result of maintaining full capacity at state facilities.

Second Offense

Under current law, the maximum imprisonment term is 5 years. However, the DPS&C reports that the average time imposed is 4 years and the average time served is 1 year and 6 months. If the proposed legislation becomes law, the maximum imprisonment term will change to 2 years. The DPS&C assumes that there will be an average time imposed of 19 months. They further assume that the average time served will be 7 months.

Savings projections are based on offender statistics provided by DPS&C and assumes 317 offenders are admitted annually for a 2nd offense. Offenders are admitted to and released from facilities over the course of a year and do not all serve a full 365 days in the first year, or a full 365 days in the subsequent year of their average 18 month sentence. In order to calculate an annual savings, the fiscal note provides a comparison based on an average annual population.

Year 1 (\$239,778)

The current average annual population of offenders is 169. This would be reduced to 136 under the proposed legislation. This would result in an annual cost savings of \$293,778 (33 offenders x \$24.39 cost to house state offenders in local facilities x 365 days).

Continued on Page 2

REVENUE EXPLANATION

The proposed legislation may result in reduction in revenue as a result of a reduction in potential fines. This revenue change will impact the local governing authority.

Senate	<u>Dual Referral Rules</u>	House	<input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}	 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 Rev. Red. to State {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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CONTINUED EXPLANATION from page one:

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Expenditure Explanation Continued from Page 1

Year 2 (\$1,415,474)

The current average annual population of offenders is 302. This would be reduced to 143 under the proposed legislation. This would result in an annual cost savings of \$1,415,474 (159 offenders x \$24.39 cost to house state offenders in local facilities x 365 days).

Year 3 (\$1,905,103)

The current average annual population of offenders is 357. This would be reduced to 143 under the proposed legislation. This would result in an annual cost savings of \$1,905,103 (214 offenders x \$24.39 cost to house state offenders in local facilities x 365 days).

Third Offense

Under current law, the maximum imprisonment term is 20 years. However, the DPS&C reports that the average time imposed is 4 years and the average time served is 1.5 years. If the proposed legislation becomes law, the maximum imprisonment term will change to 5 years. The DPS&C assumes that the average imposed term will be 1 year and the average time served will be 5 months.

Savings projections are based on offender statistics provided by DPS&C and assumes 163 offenders are admitted annually for 3rd offense. Offenders are admitted to and released from facilities over the course of a year and do not all serve a full 365 days in the first year, or a full 365 days in the subsequent year of their average 17 month sentence. In order to calculate an annual savings, the fiscal note provides a comparison based on an average annual population.

Year 1 (\$311,582)

The current average annual population of offenders is 91. If the proposed legislation becomes law, the average annual population would be reduced to 56. This would result in an annual cost savings of \$311,582 (35 x \$24.39 cost to house state offenders in local facilities x 365 days).

Year 2 (\$954,551)

The current average annual population of offenders is 163. If the proposed legislation becomes law, the average annual population would be reduced to 56. This would result in an annual cost savings of \$954,551 (107 x \$24.39 cost to house state offenders in local facilities x 365 days).

Year 3 (\$1,219,622)

The current average annual population of offenders is 193. If the proposed legislation becomes law, the average annual population would be reduced to 56. This would result in an annual cost savings of \$1,219,622 (137 x \$24.39 cost to house state offenders in local facilities x 365 days).

Fourth or Subsequent Offense

The DPS&C reports that savings would be negligible with the addition of a fourth offense. The Legislative Fiscal Office cannot determine the impact because the DPS&C did not provide the average number of admissions and the annual population with a fourth or subsequent offense. However, the current sentencing guidelines provided for a maximum imprisonment of 20 years; under the proposed legislation the maximum imprisonment is 8 years.

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<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}		