

Department of Planning and Budget 2007 Fiscal Impact Statement

1. Bill Number SB 1234

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input checked="" type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Obenshain

3. Committee House Courts of Justice

4. Title Manufacture and distribution of methamphetamine

5. Summary/Purpose:

Methamphetamine is listed as a Schedule II narcotic under the federal Controlled Substances Act. Under current state law, the manufacture, sale, distribution, or possession with intent to manufacture, sell, or distribute a Schedule I or II drug is a felony punishable by imprisonment of 5 to 40 years. A second or subsequent offense is punishable by imprisonment of 5 years to life.

Current law also provides enhanced penalties for the manufacture or distribution of methamphetamine as follows:

- 10 to 40 years for the manufacture or distribution of up to 200 grams of any substance containing methamphetamine and 10 years to life for a second or subsequent offense;
- A 3-year mandatory minimum sentence for a third conviction for the manufacture or distribution of the drug; and
- A 5-year mandatory minimum sentence for the manufacture or distribution of 10 grams or more of methamphetamine or 20 grams or more of a methamphetamine mixture. This mandatory sentence would not be applicable if the offender met certain conditions.

The proposed legislation would provide mandatory minimum penalties for the first conviction of manufacturing or distributing methamphetamine. For an offender convicted of manufacturing or distributing 28 grams or more, there would be a mandatory minimum sentence of three years. If the quantity of methamphetamine manufactured or distributed were 227 grams or more, the mandatory minimum sentence would be five years.

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary:

Yes. Item 387. The Senate did not include the required funding for this legislation in its budget amendments. However, the bill contains a clause providing that it shall not become effective unless such funds as shown in Item 8 are contained in the appropriation act.

8. Fiscal implications:

Appropriation required by § 30-19.1:4: \$705,140

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$705,140 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in 27 additional inmates being incarcerated in prison.

9. Specific agency or political subdivisions affected:

Department of Corrections

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 0/12/2007 / rwh

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