

**Department of Planning and Budget  
2011 Fiscal Impact Statement**

**1. Bill Number: HB 1434**

House of Origin     Introduced     Substitute     Engrossed  
Second House       In Committee     Substitute     Enrolled

**2. Patron: Garrett**

**3. Committee: Senate Courts of Justice**

**4. Title: Synthetic marijuana**

**5. Summary:**

Synthetic marijuana is herbs sprayed with one or more specific chemical compounds that, when smoked, creates a high similar to marijuana. The proposed legislation would add synthetic marijuana to the list of Schedule I controlled substances and make possession of it a Class 1 misdemeanor. Furthermore, the legislation would make distribution, or possession with the intent of distribution, of more than one-half ounce but less than five pounds of synthetic marijuana also a Class 1 misdemeanor, but require a mandatory minimum sentence of 60 days. Distribution, or possession with intent of distribution, of more than five pounds of synthetic marijuana would still be a Class 1 misdemeanor, but with a mandatory minimum sentence of six months.

**6. Budget Amendment Necessary: No.**

**7. Fiscal Impact Estimates: Preliminary. See Item 8.**

**8. Fiscal Implications:**

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. Also, the proposed legislation would establish mandatory minimum jail sentences for certain offenders. Therefore, the legislation could result in more offenders being sentenced to jail terms.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds a considerable portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2010), the estimated total state support for local jails averaged \$33.01 per inmate, per day in FY 2009.

**9. Specific Agency or Political Subdivisions Affected:**

Compensation Board  
Local and regional jails

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 2/09/2011

**Document:** G:\LEGIS\Fis-11\Hb1434h1.Doc Dick Hall-Sizemore