

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: HB1161-ER

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

2. Patron: Cline

3. Committee: Passed both Houses

4. Title: Methamphetamine precursors; sale and tracking; penalties.

5. Summary: Requires the Department of State Police to enter into a memorandum of understanding to establish the Commonwealth's participation in a real-time electronic recordkeeping and monitoring system for the nonprescription sale of ephedrine or related compounds. Most pharmacies and retail distributors will be required to enter nonprescription sales of ephedrine or related compounds into the electronic system. The bill retains the existing sales limit of no more than 3.6 grams of ephedrine or related compounds per day per individual retail customer and no more than 9 grams per 30-day period. The bill creates a Class 1 misdemeanor and becomes effective January 1, 2013.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final, See item 8 below.

8. Fiscal Implications: The Department of State Police does not anticipate a fiscal impact due to the legislation.

Although insufficient data exists to determine the fiscal impact due to this legislation, the legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to \$2,500). 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 most 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 FY2010 Jail Cost Report (November 1, 2011), the estimated total state support for local and regional jails averaged \$29.98 per state inmate, per day in FY 2010.

9. Specific Agency or Political Subdivisions Affected: Department of State Police

10. Technical Amendment Necessary: No.

11. Other Comments: Identical to SB 294-ER1.

Date: February 23, 2012

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