

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number: HB 508**

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: Garrett**

**3. Committee: Passed both houses**

**4. Title: Synthetic cannabinoids**

**5. Summary:**

The 2011 General Assembly enacted legislation that established penalties for possessing, selling, giving, distributing, or possessing with intent to distribute synthetic cannabinoids. The enacted legislation listed numerous chemical compounds defined as synthetic cannabinoids. The penalties were as follows:

First offense possession—Class 1 misdemeanor

Distribution—Class 6 felony

Manufacturing—Felony punishable by imprisonment from five to 30 years.

The proposed legislation expands the definition of synthetic cannabinoids and includes language that provides that synthetic drugs that are similarly constituted shall be subject to the same criminal penalties as synthetic cannabinoids, even if they are not identical in structure to the specifically listed substances.

The legislation also adds to the list of synthetic stimulants that are listed in the list of Schedule I drugs that are regulated.

**6. Budget Amendment Necessary: See Item 8.**

**7. Fiscal Impact Estimates:**

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013	\$50,000	General
2014	\$0	
2015	\$0	

2016	\$0
2017	\$0
2018	\$0

## **8. Fiscal Implications:**

Because the proposed legislation expands the definition of synthetic cannabinoids that are subject to misdemeanor and felony penalties, the proposed legislation could result in additional persons being housed in local and regional jails and in state prisons.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 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 most recent Jail Cost Report (November 2011), the estimated total state support for local jails averaged \$29.98 per inmate, per day in FY 2010.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 890 of the 2011 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

The budget as originally approved by the House included an appropriation for the fiscal impact of this legislation, as did the budget recommendations made by the Senate Finance Committee. The newly introduced House Bill 1301, as passed by the House, includes an appropriation for this fiscal impact.

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

Department of Corrections  
Local and regional jails

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

## **11. Other Comments:** Identical to SB 273.

**Date:** 3/6/2012

**Document:** G:\LEGIS\fis-12\hb508e.doc Dick Hall-Sizemore