

Revised

**Department of Planning and Budget
2013 Fiscal Impact Statement**

1. Bill Number: HB 1941

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

2. Patron: Garrett

3. Committee: Passed both houses

4. Title: Synthetic cannabinoids

5. Summary:

Under current law, possession or distribution of chemical compounds referred to as synthetic cannabinoids or bath salts is prohibited. Synthetic cannabinoids are dried herbs that have been sprayed with a chemical compound that, when smoked, creates a high similar to marijuana. "Bath salts" are synthetic stimulants comprised of a class of chemicals perceived as mimics of cocaine, LSD, MDMA (ecstasy), or methamphetamine and are classified as a Schedule I substances under the Commonwealth's Drug Control Act.

The proposed legislation adds several new compounds to the list defined as synthetic cannabinoids and also adds several synthetic stimulants to the list of Schedule I controlled substances.

6. Budget Amendment Necessary: Yes. Item 389. Both houses have included amendment in for the fiscal impact of this bill in their budget bills.

7. Fiscal Impact Estimates: Final. See Item 8 below.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013		
2014	\$50,000	General
2015		
2016		
2017		
2018		

8. Fiscal Implications:

The classification of the offenses of possession, distribution, or manufacture of a synthetic cannabinoid ranges from Class 1 misdemeanor (up to 12 months in jail) to an offense with a sentence of 5 to 30 years in prison. The penalties for possession, manufacture, or distribution of a Schedule I controlled substance range from a Class 5 felony (up to 12 months in jail or 1 to 10 years in prison) to a sentence of 5 to 40 years in prison. Therefore, the legislation could result in additional persons being housed in prisons or local and regional jails.

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 2012), the estimated total state support for local jails averaged \$26.54 per inmate, per day in FY 2011.

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 3 of the 2012 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Compensation Board
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: The bill has an emergency clause. Except for the emergency clause, the bill is identical to SB 1083.

Date: 2/22/2013

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