

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: HB 1434

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 proposed legislation creates specific penalties for possessing, selling, giving, or distributing, or possessing with the intent to distribute, synthetic cannabinoids. The bill also amends numerous existing statutes to define penalties specific to synthetic cannabinoids. Synthetic cannabinoids are dried herbs sprayed with a chemical compound that, when smoked, creates a high similar to marijuana.

Although the legislation lists the chemical compounds that are currently associated with synthetic cannabinoids, it also declares that any drug not listed in the proposed new statute or the Drug Control Act that is privately compounded, with the intent to circumvent the criminal penalties for synthetic cannabinoids, to emulate or simulate the effects of synthetic compounds is subject to the same criminal penalties for synthetic cannabinoids. The penalties for possession or distribution of synthetic cannabinoids range from a Class 1 misdemeanor to a felony punishable up to 50 years.

Furthermore, the proposed legislation would authorize probation and parole officers to order random testing of offenders under their supervision whom they have good reason to believe have been using synthetic cannabinoids.

Finally, the bill adds two drugs to the Schedule I drug list in the Drug Control Act. The common names of these drugs are MDPV and mehpedrone. Possession of a Schedule I drug is a Class 5 felony and selling or manufacturing a Schedule I drug is punishable by 5 to 40 years in prison.

6. Budget Amendment Necessary: No. The final budget bill adopted by the General Assembly includes an amendment for \$50,000 for the appropriation required by § 30-19.1:4 of the Code of Virginia.

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

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2012	\$50,000	General

8. Fiscal Implications:

The proposed legislation creates numerous new offenses related to synthetic cannabinoids, with varying penalty levels. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. A Class 6 felony carries a possible sentence of up to 12 months in jail or 1 to 5 years in prison. A Class 5 felony carries a possible sentence of up to 12 months in jail or 1 to 10 years in prison. Other sentences stipulated by the legislation range up to 50 years in prison, with some carrying mandatory minimum sentences. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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 misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. 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.

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 874 of the 2010 Acts of Assembly 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:

This bill is identical to SB 745, which has also been passed by both houses.

The bill has an emergency clause that would make it effective upon signing by the Governor.

Date: 3/02/2011

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