

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: HB1443

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

2. Patron: Morgan

3. Committee: Courts of Justice

4. Title: Marijuana; decriminalization of simple possession.

5. Summary: The bill changes the current \$500 criminal fine for simple marijuana possession to a \$500 civil penalty, eliminates the 30-day jail sentence, and eliminates the criminal conviction record that would follow a conviction for simple possession. The civil penalties collected would be payable to the Literary Fund. The bill changes none of the penalties for manufacture or distribution of marijuana. The bill continues to require forfeiture of the driver's license and drug screening and education for any minor found to have committed the violation of possession of marijuana and maintains all existing sanctions for all criminal violations involving marijuana.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary.

8. Fiscal Implications: Although insufficient data exists to determine the fiscal impact resulting from the proposal at this time, the legislation could result in a decrease in the jail population since the proposal eliminates the existing maximum 30-day jail sentence. Any decrease in the jail population will reduce 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. 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 FY2009 Jail Cost Report (November 1, 2010), the estimated state support for local and regional jails averaged \$33.01 per state inmate, per day in FY 2009. It is also expected that there would an increase in revenue to the Literary Fund since the proposal stipulates that civil penalties be payable to the Literary Fund.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/17/2011

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