Department of Planning and Budget
2011 Fiscal Impact Statement

1. Bill Number: HB 1473

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Bell, Richard P.

3. Committee: Health, Welfare and Institutions

4. Title: Synthetic marijuana

5. Summary:

Synthetic marijuana is herbs sprayed with one or more specific chemical compounds that, when smoked, creates a high similar to marijuana. The proposed legislation would add synthetic marijuana to the list of Schedule I controlled substances and would establish the following criminal penalties for its use, manufacture, and distribution:

Offense	Penalty
Possession	Class 1 misdemeanor (up to 12 months in jail)
Sale, giving, distribution, or possession with intent to distribute—up to ½ ounce	Class 1 misdemeanor (up to 12 months in jail)
Sale, giving, distribution, or possession with intent to distribute—more than ½ ounce up to 5 pounds	Class 5 felony (up to 12 months in jail or 1 to 10 years in prison)
Sale, giving, distribution, or possession with intent to distribute—more than 5 pounds	Felony punishable by 5 to 30 years in prison
Manufacture, not for personal use	Felony punishable by 5 to 30 years in prison

6. Budget Amendment Necessary: Yes. Item 380.

7. Fiscal Impact Estimates: Preliminary.

7a. Expenditure Impact:

Fiscal Year	*Dollars*	*Fund*
2012	$50,000	General

8. Fiscal Implications:

The proposed legislation, by establishing a combination of misdemeanor and felony offenses, could result in additional offenders being housed in local or regional jails and in state prisons.

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 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.

The Virginia Criminal Sentencing Commission was unable to determine the impact of this proposal on state-responsible (prison) bed space pursuant to §30-19.1:4 of the Code of Virginia because the proposal would criminalize behavior that is not currently defined as a criminal act, and data on such activity does not exist. 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: None.

Date: 1/16/2011
Document: G:\LEGIS\Fis-11\Hb1473.Doc Dick Hall-Sizemore