

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: SB 745

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

2. Patron: Herring

3. Committee: House Courts of Justice

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 make possession of it a Class 1 misdemeanor. Furthermore, the legislation would make distribution, or possession with the intent of distribution, of more than one-half ounce but less than five pounds of synthetic marijuana also a Class 1 misdemeanor, but require a mandatory minimum sentence of 60 days. Distribution, or possession with intent of distribution, of more than five pounds of synthetic marijuana would still be a Class 1 misdemeanor, but with a mandatory minimum sentence of six months.

6. Budget Amendment Necessary: Yes. Item 380

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

Expenditure Impact:

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

8. Fiscal Implications:

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. Also, the proposed legislation would establish mandatory minimum jail sentences for certain offenders. Therefore, the legislation could result in more offenders being sentenced to jail terms.

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. 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.

Although the proposed penalties for offenses involving synthetic marijuana are all misdemeanors, it should be noted that, by adding synthetic marijuana to the list of Schedule I drugs, the proposed legislation expand the application of existing felony offenses related to the possession of a Schedule I drug.

Persons convicted of a felony offenses are subject to penalties in prison. Therefore, this proposal could also result in an increase in the number of persons sentenced to prison.

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:

Compensation Board
Local and regional jails
Department of Corrections

10. Technical Amendment Necessary:

Section 30-19.1:4 of the Code of Virginia requires that, in cases in which the Virginia Sentencing Commission determines that proposed legislation would result in an increase in the population of Virginia correctional facilities, "the amount of the estimated appropriation reflected in the fiscal impact statement shall be printed on the face of each such bill." The proposed substitute does not have the commonly used statement reflecting the estimated impact of the bill, in this case, \$50,000.

11. Other Comments: The proposed legislation has an emergency clause.

Date: 2/15/2011

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