

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: SB 831

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: DeSteph

3. Committee: Senate Courts of Justice

4. Title: Manufacture of marijuana

5. Summary:

Under current law, the manufacture of marijuana not for one's own use is a felony punishable by a sentence of 5 to 30 years. The proposed legislation would provide that, if the manufacture of marijuana was (i) only as an accommodation to another individual, who was not an inmate in a state or local correctional facility, (ii) not with any intent to profit thereby, and (iii) not intended to induce the recipient of the marijuana to use or become addicted to it, the offense would be a Class 1 misdemeanor.

6. Budget Amendment Necessary: None.

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

8. Fiscal Implications:

The proposed legislation would reduce a felony offense with a sentence of 5 to 30 years to a Class 1 misdemeanor, for which the maximum sentence is 12 months in jail. Therefore, the legislation could result in fewer persons being sentenced to prison and more to jail.

In FY 2015 and FY 2016, there were a total of 64 people convicted of manufacturing marijuana as their most serious offense. However, there is not enough information available to estimate how many of those individuals would have met the criteria set out in the proposed legislation for their offenses to qualify as a Class 1 misdemeanor. Therefore, it is not feasible to estimate how many additional persons would have been sentenced to jail, rather than prison. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, 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 2016), the estimated total state support for local jails averaged \$32.82 per inmate, per day in FY 2015.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Local and regional jails.

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/17/2017