

### Fiscal Estimate - 2017 Session

Original     
  Updated     
  Corrected     
  Supplemental

LRB Number <b>17-2457/1</b>	Introduction Number <b>AB-0482</b>
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**Description**  
 marijuana possession, regulation of marijuana distribution and cultivation, medical marijuana, operating a motor vehicle while under the influence of marijuana, making appropriations, requiring the exercise of rule-making authority, and providing criminal penalties

**Fiscal Effect**

**State:**

- No State Fiscal Effect
- Indeterminate
  - Increase Existing Appropriations
  - Decrease Existing Appropriations
  - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
  - Yes       No
- Decrease Costs

**Local:**

- No Local Government Costs
- Indeterminate
  - 1.  Increase Costs      3.  Increase Revenue
  - Permissive  Mandatory       Permissive  Mandatory
  - 2.  Decrease Costs      4.  Decrease Revenue
  - Permissive  Mandatory       Permissive  Mandatory
- 5. Types of Local Government Units Affected
  - Towns       Village       Cities
  - Counties       Others
  - School Districts       WTCS Districts

**Fund Sources Affected**

- GPR   
  FED   
  PRO   
  PRS   
  SEG   
  SEGS

**Affected Ch. 20 Appropriations**

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## Fiscal Estimate Narratives

DOC 8/29/2017

LRB Number	17-2457/1	Introduction Number	AB-0482	Estimate Type	Original
<b>Description</b> marijuana possession, regulation of marijuana distribution and cultivation, medical marijuana, operating a motor vehicle while under the influence of marijuana, making appropriations, requiring the exercise of rule-making authority, and providing criminal penalties					

### Assumptions Used in Arriving at Fiscal Estimate

Current law prohibits a person from manufacturing, distributing, or delivering marijuana; possessing marijuana with the intent to manufacture, distribute, or deliver it; possessing or attempting to possess marijuana; using drug paraphernalia; or possessing drug paraphernalia with the intent to produce, distribute, or use a controlled substance. This bill changes state law so that state law permits both recreational use of marijuana and medical use of marijuana. The bill eliminates several crimes, creates several new crimes, creates a process by which a person may obtain a permit to produce, process, or sell marijuana.

This bill changes state law regarding marijuana. It does not affect federal law, which generally prohibits persons from manufacturing, delivering, or possessing marijuana and applies to both intrastate and interstate violations.

This bill would have an indeterminate effect on the DOC inmate and offender population as the DOC cannot predict how many fewer inmates would be sentenced to prison or probation if this legislation were enacted. As of December 31st, 2016, the DOC incarcerated 806 inmates who were convicted for any THC offense as part of their overall sentence. The DOC had 5,550 offenders on community supervision who were convicted for any THC offense as part of their overall sentence.

The average FY16 annual cost for an inmate in a DOC institution is approximately \$32,300. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$5,600 based on FY15 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

State costs could also change if a decreased number of offenders are convicted of any THC crime and placed on probation. The average FY16 annual cost to supervise one offender is approximately \$3,000.

County jails could experience decreased costs if fewer people are sentenced to jail. The average FY16 annual cost to jail inmates is \$18,800.

### Long-Range Fiscal Implications