

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-2298/1	Introduction Number SB-167	
Description Possession of 25 grams or less of marijuana and distribution and delivery of marijuana		
Fiscal Effect		
State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around; font-size: small;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <input type="checkbox"/> Decrease Costs </div> </div>		
Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 30%;"> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 30%;"> 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts </div> </div>		
Fund Sources Affected Affected Ch. 20 Appropriations		
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
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Fiscal Estimate Narratives

DOC 6/8/2015

LRB Number	15-2298/1	Introduction Number	SB-167	Estimate Type	Original
Description					
Possession of 25 grams or less of marijuana and distribution and delivery of marijuana					

Assumptions Used in Arriving at Fiscal Estimate

Current law prohibits a person from possessing or attempting to possess; possessing with the intent to manufacture, distribute, or deliver; and manufacturing, distributing, or delivering marijuana. The penalties vary based on the amount of marijuana or plants involved or the number of previous controlled-substance convictions the person has.

This bill eliminates 1) the penalty for possession of marijuana if the amount of marijuana involved is no more than 25 grams; 2) the penalty for manufacturing or for possessing with the intent to manufacture, distribute, or deliver if the amount of marijuana involved is no more than 25 grams or the number of plants involved is no more than two; and 3) the penalty for distributing or delivering marijuana if the amount of marijuana involved is no more than 25 grams or the number of plants involved is no more than two. The bill retains the current-law penalty for distributing or delivering any amount of marijuana to a person who is no more than 17 years of age (minor) by a person who is at least three years older than the minor. This bill limits local governments to enacting ordinances prohibiting only the possession of more than 25 grams of marijuana.

Elimination of Certain Crimes:

This bill amends following statutes in the criminal code to establish 25 grams of marijuana as the minimum amount, previously no weight minimum existed in these specific statutes: Wis. Statute §961.41(3G)(E) Possession of THC and Wis. Statute §961.41(3G)(E) Possession of THC (2nd offense), Wis. Statute §961.41(1M)(H) and Wis. Statute §961.41(1M)(H)1.

In FY14, 36 people were admitted to prison whose most serious offense falls under those statutes and 1,596 offenders were placed on Extended Supervision (ES)/probation whose most serious offense falls under those statutes. For purposes of this fiscal estimate, an annualized population of these inmates/offenders was calculated (2,432 offenders and 108 inmates), we assume that this average daily population of 2,540 people would not be incarcerated or under community supervision. Therefore, this bill would result in a decrease in DOC's population based on the elimination of crimes.

Assumptions:

- 1) Individuals convicted under the statutes above do not have any other convictions for which they may be under supervision.
- 2) Offenders under community supervision for the above listed crimes are supervised as "Minimum" level offenders.
- 3) Average FY14 cost for an inmate in a contract bed is approximately \$18,800.
- 4) Number of inmates incarcerated for the above listed crimes on an annual basis: 108
- 5) Number of individuals under community supervision for the above listed crimes on an annual basis: 2,432
- 6) Given the statutory language for the above listed crimes, the weight of the THC possessed by this population was less than 25 grams.
- 7) This bill would result in a decrease in DOC's population based on the elimination of crimes.

Based on the assumptions laid out above, DOC estimates that the bill could result in an estimated cost savings of \$3,728,200 per fiscal year.

$(108 \text{ incarcerated individuals} \times \$18,800/\text{year} = \$2,030,400) + (2,432 \text{ offenders under minimum level community supervision} = \$1,697,800)$

Community supervision savings are estimated by determining the number of DOC staff necessary to supervise 2,432 minimum level supervision offenders using the Case Classifications Staff Deployment

(CCSD) formula. The CCSD formula indicates an estimated 29 FTE (20.00 FTE Probation & Parole Agents; 3.0 Correctional Field Supervisors; 1.0 Program Support Supervisor; 6.0 Office Operations Associates) are necessary to supervise 2,432 minimum level supervision offenders.

The average FY14 annual cost for an inmate in a DOC institution is approximately \$32,800. 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 \$5,700 based on FY14 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person. A decrease in prison population may result in an institution closing housing units.

It should be noted that individuals convicted under these statutes may be under supervision or be incarcerated for other crimes as well, this may translate into an elimination of the estimated savings, in part or whole. Because of this, the fiscal impact is indeterminate.

Overall:

If there is a large increase in the number of offenders placed on probation or extended supervision, additional community corrections funding and/or positions may be necessary to handle the population. The average FY14 annual cost to supervise one offender is approximately \$2,800.

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The local fiscal impact of the bill cannot be predicted because the DOC cannot predict the number of people that will be sentenced and the sentencing practices of judges under the new law. Costs at the local level may increase if offenders are placed in jail rather than prison. The average FY14 annual cost to jail inmates is \$18,800.

Long-Range Fiscal Implications