

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-3747/1	Introduction Number SB-577
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Description
 decriminalizing 28 grams or less of marijuana

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

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	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	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
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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	

Agency/Prepared By	Authorized Signature	Date
DOC/ Emily Lindsey (608) 240-5413	Paulina De Haan (608) 240-5056	12/17/2019

Fiscal Estimate Narratives

DOC 12/17/2019

LRB Number	19-3747/1	Introduction Number	SB-577	Estimate Type	Original
Description decriminalizing 28 grams or less of marijuana					

Assumptions Used in Arriving at Fiscal Estimate

Current law prohibits a person from possessing or attempting to possess; possessing with intent to manufacture, 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. Current law also allows local governments to enact ordinances prohibiting the possession of marijuana.

This bill eliminates 1) the penalty for possession of marijuana if the amount of marijuana involved is no more than 28 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 28 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 28 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 minor who is no more than 17 years of age by a person who is at least three years older than the minor. The bill limits local governments to enacting ordinances prohibiting only the possession of more than 28 grams of marijuana.

The bill also prohibits establishing probable cause that a person is violating the prohibition against possessing more than 28 grams of marijuana by an odor of marijuana or by the possession of not more than 28 grams of marijuana. Current law requires that, when determining the weight of controlled substances, the weight includes the weight of the controlled substance together with any compound, mixture, or other substance mixed or combined with the controlled substance. Under the bill, when determining the amount of tetrahydrocannabinols, only the weight of the marijuana may be considered. Finally, the bill creates a process for expunging or dismissing convictions involved less than 28 grams of marijuana that occurred before this bill takes effect.

Current statutes do not use 28 grams as a criteria and therefore the Department does not have any data to determine how many fewer individuals would be incarcerated or on community supervision if this bill were to become law. The fiscal impact is indeterminate.

The Department has no information to determine local fiscal effect.

Long-Range Fiscal Implications