

### Fiscal Estimate - 2021 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 21-0435/1	<b>Introduction Number</b> AB-0130
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**Description**  
 possession of not more than 10 grams of marijuana and providing a penalty

**Fiscal Effect**

**State:**

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

**Local:**

<input type="checkbox"/> No Local Government Costs	<b>5. Types of Local Government Units Affected</b>	
<input checked="" type="checkbox"/> Indeterminate	<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	
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b> DOC/ Shelby Slaven (608) 240-5415	<b>Authorized Signature</b> Paulina De Haan (608) 240-5056	<b>Date</b> 3/9/2021
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**Fiscal Estimate Narratives**

**DOC 3/9/2021**

LRB Number <b>21-0435/1</b>	Introduction Number <b>AB-0130</b>	Estimate Type <b>Original</b>
<b>Description</b> possession of not more than 10 grams of marijuana and providing a penalty		

**Assumptions Used in Arriving at Fiscal Estimate**

Current law prohibits a person from possessing or attempting to possess marijuana. A person who violates the prohibition is guilty of a misdemeanor and may be fined up to \$1,000 or imprisoned for not more than six months, or both, for a first conviction. For a repeat conviction, a person is guilty of a Class I felony and may be fined up to \$10,000 or imprisoned for not more than three years and six months, or both. This bill reduces the penalty for possession or attempt to possess of up to 10 grams of marijuana to a \$100 civil forfeiture and eliminates the counting of a conviction involving not more than 10 grams of marijuana when determining if a violation is a repeat conviction. This bill retains the current law penalty for individuals possessing or attempting to possess more than 10 grams of marijuana.

Under current law, local ordinances are permitted to impose a forfeiture for the possession of marijuana. This bill still allows local ordinances to impose a forfeiture for possession, but the amount cannot exceed the forfeiture amount set in state statute for not more than 10 grams of marijuana.

While the bill is likely to lead to fewer possession convictions and a decrease in admissions to county jails and state institutions, current statutes do not use 10 grams of weight as a criteria for a possession conviction so data is not available to determine how many fewer individuals would be incarcerated or on community supervision if the bill were to become law. As such, the fiscal impact of the bill is indeterminate

**Long-Range Fiscal Implications**