

### Fiscal Estimate - 2021 Session

Original                     
  Updated                     
  Corrected                     
  Supplemental

<b>LRB Number</b> 21-2192/1	<b>Introduction Number</b> SB-164	
<b>Description</b> possession of not more than 10 grams of marijuana and providing a penalty		
<b>Fiscal Effect</b>		
<b>State:</b>		
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> 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	
<b>Local:</b>		
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> 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		
<b>Fund Sources Affected</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>Affected Ch. 20 Appropriations</b>		
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
DA/ Kasey Deiss (608) 267-2700	Jana Steinmetz (608) 267-9634	3/10/2021

## Fiscal Estimate Narratives

DA 3/10/2021

LRB Number	21-2192/1	Introduction Number	SB-164	Estimate Type	Original
<b>Description</b> possession of not more than 10 grams of marijuana and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

This fiscal estimate is submitted by the Director of the State Prosecutors Office on behalf of Agency 475 – District Attorneys. This fiscal estimate is responsive only to the fiscal and resource effect of the proposed legislation on the District Attorney program.

This bill reduces to a \$100 civil forfeiture the penalty for possessing or attempting to possess not more than 10 grams of marijuana and eliminates the counting of a conviction involving not more than 10 grams of marijuana when determining if a violation is a repeat conviction.

The bill preempts local government from imposing a forfeiture amount for the possession of not more than 10 grams of marijuana that is different from the forfeiture amount imposed by the state for possession of not more than 10 grams of marijuana.

The bill also specifies that a citation issued for possession of marijuana must contain provisions for a deposit in lieu of a court appearance. The court may consider the deposit as a plea of no contest and enter a judgment without the person appearing in court.

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Responsive District Attorneys were concerned with a number of aspects of this bill. Prosecution for second or subsequent marijuana possession will require determining the amount of marijuana present in previous convictions. This information is not readily available in the judgment of conviction and often is not in the criminal complaint or elicited during the plea colloquy. Thus prosecution of second or subsequent offenses could require an inordinate expenditure of resources to determine and litigate the amount of marijuana present in an earlier conviction that pre-dates this proposed legislation.

Additionally responsive District Attorneys remain concerned with potential collateral effects of marijuana decriminalization to include an increase in driving while impaired, and other related property or violent crimes.

### Long-Range Fiscal Implications

Responsive District Attorneys expect this proposed change to create additional workload for their offices. The scope of that increase is unknown.