Fiscal Estimate - 2021 Session

☑ Original	☐ Updated	Corrected	Suppleme	ntal ,
LRB Number 21-3790 /	1	Introduction Number	AB-0812	
Description penalties for possession of marijuate penalty	ana, employer liability for	r not drug testing employees and pros	pective employees,	and providing
Fiscal Effect		,		
State: No State Fiscal Effect Indeterminate Increase Existing Appropriations Decrease Existing Appropriations Create New Appropriation	Increase Existir Revenues Decrease Exist Revenues	Increase Costs - May b		within
Local: No Local Government Cost Indeterminate 1. Increase Costs Permissive Mandat 2. Decrease Costs Permissive Mandat	3. Increase Reversory Permissive 4. Decrease Reve	Mandatory Towns enue Counties	nent Units Affected Village Others WTCS Districts	Cities
Fund Sources Affected GPR FED PRO	O 🗍 PRS 📋 S	Affected Ch. 20 EG SEGS	Appropriations	
Agency/Prepared By	,	Authorized Signature		Date
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Fiscal Estimate Narratives DA 1/25/2022

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Description penalties for possession of marijuana, emp a penalty	loyer liability for not dru	ug testing employees		employees, and providi

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 14 grams or less of marijuana. The bill also eliminates counting, for the purposes of determining if a conviction is a repeat conviction, a criminal offense of marijuana possession involving 28 grams or less. The bill reduces the penalty for drug paraphernalia related to marijuana usage to a civil forfeiture of not more than \$10.

The bill, subject to certain exceptions, limits the liability of an employer that does not require an employee or prospective employee to submit to a test for the presence of any tetrahydrocannabinol (THC), which is the active ingredient in marijuana, synthetic cannabinoid, or a controlled substance analog to THC or a synthetic cannabinoid in his or her system (drug testing) as a condition of employment.

There exists a general concern among many District Attorneys that the decriminalization of marijuana or the relaxation of potential penalties associated with the possession of marijuana will increase usage and lead to increased incidences of drug impaired driving and drug impaired driving prosecutions statewide.

Long-Range Fiscal Implications

Responsive District Attorneys expect this proposed change to create additional workload for their offices. The full scope of that increase is unknown and would require further study.