

Fiscal Estimate Narratives

CTS 1/24/2022

LRB Number 21-5553/1	Introduction Number AB-0846	Estimate Type Original
Description legalizing recreational marijuana, granting rule-making authority, making an appropriation, and providing a penalty		

Assumptions Used in Arriving at Fiscal Estimate

This bill legalizes recreational and medical marijuana, and creates a permitting and registry system. The bill creates new crimes (production/sale without a permit, sale to minors). The main impact on the court system is that a person who is currently serving, or has served, a sentence or probation for an act that this bill decriminalizes can petition the court to dismiss the conviction, expunge the record, or redesignate to a lower crime and resentence. If the court receives such a petition, the court must schedule a hearing.

Courts would see some number of petitions from persons seeking dismissals or expungements. DOC may have the relevant information as to how many people are currently serving a prison sentence or probation that would petition the court for a dismissal or resentencing. There is likely a significant number of people who have served their sentence or probation period who would petition for expungement or redesignation because there are no restrictions on the timing of the conviction.

Court staff and judges would need training on the petition process for resentencing, dismissing, or expunging. New forms would need to be created. Court Operations staff time would be needed to update the statute table - expiring repealed sections and adding new statutes.

Fiscal Effect – Costs/Savings: The Director of State Courts has determined that the implementation of this bill would have a one-time nominal fiscal effect on the courts that can be absorbed in the normal operating budget.

GPR one-time implementation costs

- Creating a new form or amend an existing form to allow defendants to petition to dismiss the conviction, expunge the record, or redesignate to a lower crime and resentence
- Updating publications and website materials
- Creating new procedures and trainings for judges and clerks
- Providing training to judges and clerks

PR one-time Consolidated Court Automation Program (CCAP) implementation costs are nominal and can be absorbed in the normal operating budget.

Fiscal Effect – Local impact: Because this bill is retroactive and would apply to any eligible case, it is likely that courts will receive a substantial number of requests to dismiss the conviction, expunge the record, or redesignate to a lower crime and resentence, which will impact clerks, judges, and DA's Offices.

It is not possible to project the increase in petitions that would need to be processed by the Courts or by counties, therefore the state or local cost increase resulting from this bill is indeterminate at this time.

Long-Range Fiscal Implications

The Court system does not anticipate a long-range impact resulting from this bill.