



[SF 432](#) – Marijuana Possession Penalty (LSB1586SV)
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Fiscal Note Version – New

Description

[Senate File 432](#) would change the penalty for first offense possession of marijuana under five grams from a serious misdemeanor to a simple misdemeanor.

Background

Current law states that a person convicted of first offense possession of marijuana commits a serious misdemeanor punishable by a fine of no more than \$1,000 and confinement for no more than six months. In FY 2016, there were 3,399 first offense possession of marijuana convictions.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15 per day.
- 50.0% of the 3,399 first offense possession of marijuana convictions in FY 2016 involved five grams or less.
- 75.0% of the additional simple misdemeanor first offense possession of marijuana convictions involving five grams or less would utilize the services of a public defender.

Impact

Correctional Impact

Simple misdemeanor convictions are punishable by confinement of no more than 30 days, or a fine of at least \$65 but no more than \$625. This Bill would result in an estimated 850 fewer serious misdemeanor convictions in FY 2018. This amount would increase to 1,700 fewer convictions in FY 2019. There would be fewer jail, prison, Community-Based Corrections (CBC) residential facility admissions, and be fewer placements for probation and parole. **Table 1** below shows estimates for sentencing to State prison, parole, probation, or CBC residential facilities; LOS under those supervisions; and supervision marginal costs per day for convictions of simple and serious misdemeanors. Refer to the LSA memo addressed to the General Assembly, [Correctional Impact Memo](#), dated January 30, 2017, for information related to the correctional system.

Table 1 – Sentencing Estimates and LOS

	Percent to Prison	Avg LOS Prison (months)	FY 16 Marginal Cost/Day Prison	Avg LOS Parole (months)	Percent to Probation	Avg LOS Probation (months)	FY 16 Avg Cost/Day Parole & Probation	Percent to CBC	FY 16 Marginal Cost/Day CBC	Percent to County Jail	Avg LOS County Jail (days)	Marginal Cost/Day Jail
Serious Misd (Non-Persons)	2.0%	5.9	\$18.51	N/A	60.0%	16.1	\$4.59	1.0%	\$10.28	72.0%	14	\$15.00
Simple Misdemeanor	N/A	N/A	\$18.51	N/A	N/A	N/A	\$4.59	N/A	\$10.28	N/A	6	\$15.00

Minority Impact

This Bill would have a positive minority impact to the African-American community. In FY 2016, 18.0% of the persons convicted of first offense marijuana possession were African-American. The U.S. Census estimate as of July 1, 2015, states that the Iowa population was 3.5% African-American. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2017, for information related to minorities in the criminal justice system.

Fiscal Impact

During FY 2018, it is estimated that there would be 17 fewer admissions to prison, eight fewer admissions to a CBC residential facility, 399 fewer admissions to jail, and 526 fewer placements on probation status. Those numbers would double in FY 2019 and subsequent years. **Table 2** below shows the estimated cost savings to the General Fund under this Bill.

Table 2 – Estimate of Costs

<u>Offense</u>	<u>Cost Range</u>	<u>Conviction Shift</u>		<u>Cost Increase Estimate</u>	
		<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2018</u>	<u>FY 2019</u>
Serious Misdemeanor	\$250 - \$4,200	-850	-1,700	(\$283,250)	(\$559,300)
Simple Misdemeanor	\$30 - \$330	850	1,700	\$216,750	\$433,500
Net Change		0	0	(\$66,500)	(\$125,800)

Additionally, with considerably fewer jail admissions and shorter LOS, there would be savings to local governments.

Sources

Department of Human Rights, Division of Criminal and Juvenile Justice Planning
 Department of Corrections
 Office of the State Court Administrator
 Office of the State Public Defender

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.