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**SF 2180** – Marijuana Possession Penalty (LSB1586SZ)  
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Fiscal Note Version – New

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**Description**

[Senate File 2180](#) 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 2017, there were 3,692 convictions for first offense possession of marijuana.

**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 \$50 per day. Additionally, reliable LOS data for county jails is not available.
- 50.0% of the 3,692 convictions for first offense possession of marijuana in FY 2017 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 923 fewer serious misdemeanor convictions in FY 2019. This amount would increase to 1,846 fewer convictions in FY 2020. There would be fewer admissions into jail, prison, and Community-Based Corrections (CBC) residential facilities, as well as 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 Legislative Services Agency (LSA) memo addressed to the General Assembly, [Correctional Impact Statement](#), dated January 8, 2018, for information related to the correctional system.

**Table 1 – Sentencing Estimates and LOS**

	Percent to Prison	Avg LOS Prison (months)	FY 17 Marginal Cost/Day Prison	Avg LOS Parole (months)	Percent to Probation	Avg LOS Probation (months)	FY 17 Avg Cost/Day Parole & Probation	Percent to CBC	FY 17 Marginal Cost/Day CBC	Percent to County Jail	Avg LOS County Jail (days)	Marginal Cost/Day Jail
Serious Misd (Non-Persons)	2.0%	7.3	\$17.52	N/A	57.0%	13.8	\$4.93	1.0%	\$10.56	72.0%	N/A	\$50.00
Simple Misdemeanor	N/A	N/A	\$17.52	N/A	N/A	N/A	\$4.93	N/A	\$10.56	N/A	N/A	\$50.00

**Minority Impact**

This Bill would have a positive minority impact to the African American community. In FY 2017, 19.5% of the persons convicted of first offense marijuana possession were African-American. The U.S. Census estimate as of July 1, 2017, states that the Iowa population was 3.7% African-American. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 8, 2018, for information related to minorities in the criminal justice system.

**Fiscal Impact**

During FY 2019, it is estimated that there would be 19 fewer admissions to prison, 10 fewer admissions to a CBC residential facility, 434 fewer admissions to jail, and 572 fewer placements on probation status. Those numbers would double in FY 2020 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 2019</u>	<u>FY 2020</u>	<u>FY 2019</u>	<u>FY 2020</u>
Serious Misdemeanor	\$250 - \$4,900	-923	-1,846	(\$316,600)	(\$633,200)
Simple Misdemeanor	\$30 - \$330	923	1,846	\$235,400	\$470,700
Net Change		0	0	(\$81,200)	(\$162,500)

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.