



SF 2123 – Controlled Substances Act, Drug Schedules (LSB 5212SV)
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Fiscal Note Version – As amended by **S-5157**
Requested by Senator Gene Fraise

Description

Senate File 2123 as amended by **S-5157** amends the controlled substances list to conform with federal law; adds “kraton” and certain synthetic substances also known as “K2,” to the list of Schedule 1 controlled substances; adds numerous substances containing any quantity of any synthetic cathinone (not approved pharmaceuticals) to the list of Schedule 1 controlled substances; and makes possession of ammonium sulfate, ammonium nitrate, or sodium hydroxide with the intent to manufacture a controlled substance (methamphetamine) a Class “D” felony. Penalties for violations of the provisions of SF 2123 as amended by S-5157 range from a serious misdemeanor to a Class “C” felony. Certain sections of S-5157 are effective on enactment.

Background

Correctional and Fiscal Information

- The provisions that conform the controlled substances list to federal law have minimal fiscal and correctional impact. If there is any correctional impact, it is expected to occur in Community-Based Corrections (CBC).
- The provisions relating to kraton, K2, and other synthetic substances are not expected to have a significant correctional impact. There is expected to be a fiscal impact on the Department of Public Safety (DPS) Division of Criminal Investigation (DCI) Crime Lab.
- The provisions relating to methamphetamine precursors are expected to have a fiscal and correctional impact.

Minority Data Information

Under current law, there is minimal impact on minority populations for these offenses.

Assumptions

Correctional and Fiscal Information

- The substances added to the Schedule 1 controlled substances list are currently legal. Once these substances become illegal, the majority of businesses will stop selling them.
- Law enforcement agencies will continue to send substances to the DCI Crime Lab to verify whether the substance is legal or not.

Minority Data Information

The minority distribution will be comparable to current law.

Summary of Impacts

Correctional Impact

On an annual basis, there will be an estimated 51 offenders convicted of a Class "D" felony under this Bill as amended by S-5157. These offenders will be sentenced as follows: 12 to State prison, six to a CBC residential facility, and 39 to probation supervision. There will be eight offenders annually convicted of an aggravated misdemeanor under this Bill as amended by S-5157. These offenders will be sentenced as follows: one to State prison, five to probation supervision, and four to county jail.

There will be an estimated seven offenders admitted to prison in FY 2013, and 13 annually thereafter. The prison population will increase by seven offenders in FY 2013, and 16 annually thereafter. The population increases by more than the number of admissions because the average length of stay in prison generally exceeds one year.

There will be an estimated three offenders admitted to a CBC residential facility in FY 2013, and six annually thereafter. The offenders will be released to probation supervision upon successful completion of the residential program. Note, there are currently offenders waiting to enter CBC residential facilities.

There will be 22 offenders admitted to probation supervision in FY 2013, 48 in FY 2014, and 57 in FY 2015 and thereafter. The population increases by more than the number of admissions because the average length of stay on probation generally exceeds one year.

There will be two offenders sentenced to county jails in FY 2013 and four offenders annually thereafter. The average length of stay is 31 days so county jail populations are not anticipated to significantly increase.

Minority Impact

The minority impact is expected to be minimal.

Fiscal Impact

This Bill as amended will result in additional estimated cost to the General Fund as follows:

State General Fund Fiscal Impact

	<u>FY 2013</u>	<u>FY 2014</u>
DPS	\$142,000	\$142,000
Court System	11,200	23,000
Indigent Defense	16,800	34,800
Prison	37,000	76,800
CBC	28,700	106,000
Total	<u>\$235,700</u>	<u>\$382,600</u>

The fiscal impact on the DPS is for two additional staff for the Crime Lab for the provisions relating to kraton, K2, and other synthetic substances. The fiscal impact on the court system, indigent defense, prison and CBCs is related to the methamphetamine precursor provisions.

Any impact on county budgets is expected to be minimal.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning
Department of Public Safety
Judicial Branch
Office of the State Public Defender
Department of Corrections
Iowa Board of Pharmacy

/s/ Holly M. Lyons

April 4, 2012

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Iowa Code section 2.56](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
