

CORRECTIONS IMPACT STATEMENT

SESSION: 19RS BILL # HB 265 Introduced . BR # 1419 DOC ID #: xxxx

BILL SPONSOR(S): Rep. C. Booker AMENDMENT SPONSOR(S): . .

SUBJECT: AN ACT relating to marijuana possession.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 218A to make the penalty for possession of a personal use quantity of marijuana a prepayable non-criminal fine; amend KRS 218A.010 to define "personal use quantity of marijuana" and "marijuana accessory"; amend KRS 218A.1422 regarding marijuana possession to conform; amend KRS 218A.500 regarding drug paraphernalia to exempt personal use marijuana accessories; amend KRS 218A.1421 on marijuana trafficking to exempt personal use quantities; amend KRS 431.450 to include violations for possession of personal use quantities of marijuana in the uniform citation form; amend KRS 500.080 to exclude the offense of possession of a personal use quantity of marijuana from the definition of "violation"; and amend KRS 138.872 to exclude personal use quantities from marijuana stamp tax.

This bill amendment committee substitute is expected to:

Have the following Corrections impact **Have no Corrections impact**

- | | |
|--|---|
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input checked="" type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input checked="" type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services |
| <input type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions |
| <input type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) . | |

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$71.10. Most Class D felons are housed in one of 76 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$32.78 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

HB 265 provides for a pre-payable non-criminal fine for a personal use quantity of marijuana, removing possession of marijuana as a criminal offense. For a person age eighteen (18) and older, the knowing and lawful possession of a personal use quantity of marijuana would be a civil penalty of \$100 or fifteen (15) hours of community service in lieu of a fine. If the offense occurs on school property, the penalty is \$250 or thirty (30) hours of community service.

Personal use quantity is defined as one (1) ounce or less of marijuana in plant form, five (5) grams or less of marijuana resin or concentrate, or marijuana products containing 300 grams or less of THC content.

Possession of Marijuana under KRS 218A.1422 is modified to reflect possession in excess of a quantity for personal use. Possession of Marijuana is a Class B misdemeanor.

KRS 218A.500 is amended to include an exception for marijuana accessories to drug paraphernalia.

KRS 218A.1412 Trafficking in Marijuana is amended to reflect trafficking in quantities more than defined for personal use, but less than eight (8) ounces. For this amount, Trafficking in Marijuana is a Class A misdemeanor for a first offense and a Class D felony for a Subsequent Offense.

The legislation also revises the marijuana stamp tax to exclude personal use quantities.

