



HB 265 is likely to have a minimal positive fiscal impact on local governments. Under current law, possession of less than 8 oz. of marijuana, first offense, is a Class B misdemeanor, punishable by up to 45 days in jail. Trafficking less than 8 oz. of marijuana is a Class A misdemeanor, punishable by up to 1 year in jail. Possession or delivery of drug paraphernalia, first offense, is a Class A misdemeanor punishable by up to one year in a local jail.

The actual quantity of marijuana possessed by those who have been convicted of possession or trafficking under 8 oz. is unknown, therefore the number of those who had no more than 1 oz. would spend no time in jail under HB 265. In addition, the majority of first-time misdemeanor defendants are granted probation and spend little or no time in jail anyway; however, each misdemeanor defendant arrested and sentenced to incarceration would represent a cost to local law enforcement in time and money, and an expense to the local jail to house and maintain. Jail costs represent a significant expense for local governments. Reducing the number of people who would be subject to arrest and incarceration would represent a savings to local law enforcement and local jails.

For example, in 2018 there were approximately 7,869 cases in Kentucky where a person was convicted of one or more of the marijuana offenses identified above (and not convicted of any more serious offense). Approximately 1,133 of these cases resulted in time served in a local jail. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, the cost estimated by the Department of Corrections (DOC) which equals the per diem and medical expenses the DOC pays local jails to house felony offenders. Estimating that 20%, or approximately 223, of those 1,113 people possessed “a personal use quantity” of marijuana, under current law each person could potentially be sentenced up to 365 days’ incarceration in the local jail. If we estimate they serve an average of 30 days, statewide that would represent approximately \$209,664 in costs to local jails (223 inmates x \$31.34/day x 30 days=\$209,664). Under HB 265 that amount would represent approximate savings to local jails.

### **Part III: Differences to Local Government Mandate Statement from Prior Versions**

Part II, above, pertains to HB 265 as introduced. There is no prior introduced version to compare in Part III.

**Data Source(s):** Administrative Office of the Courts, Research and Statistics; LRC Staff; Kentucky Department of Corrections

**Preparer:** Mary Stephens      **Reviewer:** KHC      **Date:** 2/19/19