



The actual quantity of marijuana possessed by those who have been convicted of possession under 8 oz. is unknown, therefore the number of those who had no more than 1 oz. and so under HB 221 the number of offenders who would spend no time in jail, is not known. 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 for possessing a small quantity of marijuana or possessing drug paraphernalia 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 is 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 (the actual number of those persons is unknown) possessed under 1 oz. of marijuana, or possessed drug paraphernalia, under current law each person could potentially be sentenced from 45 to 365 days incarceration in the local jail. If we estimate they served 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 221 that amount would represent approximate savings to local jails.

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

Part II applies to the bill as introduced.

**Data Source(s):** LRC staff; Department of Corrections; Administrative Office of the Courts

**Preparer:** Mary Stephens **Reviewer:** KHC **Date:** 2/27/20