

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
REVISED FISCAL IMPACT**

(replaces fiscal note dated March 6, 2015)

Drafting Number: LLS 15-0725	Date: April 21, 2015
Prime Sponsor(s): Rep. Salazar Sen. Guzman	Bill Status: Senate Health and Human Services
	Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: USE OF MEDICAL MARIJUANA DURING PROBATION

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016	FY 2016-2017
State Revenue and Expenditures	Potential increase or decrease.		
TABOR Set-Aside	Potential increase or decrease.		
FTE Position Change			
Appropriation Required: None.			

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

This **reengrossed** bill makes an exception to probation conditions to allow a person on probation to possess and use medical marijuana, unless the person is convicted of an offense related to medical marijuana or the court determines such a prohibition is necessary and appropriate.

State Revenue and Expenditures

Beginning in the current FY 2014-15, this bill may both increase and decrease state revenue and expenditures resulting in a minimal net impact. Because the actual number of persons on probation using medical marijuana is unknown, actual impacts cannot be determined. The fiscal note assumes that any increase or decrease will be minimal and not require a change in appropriations for any state agency, as discussed below.

Potential increases. Under current law, a person on probation is not permitted to possess or use medical marijuana. By permitting this behavior, it is possible that additional people will apply for probation or accept a plea agreement that includes a sentence of probation. To the extent that this occurs, a person under supervision pays a monthly fee of \$50 to the Judicial Department and workload will increase for the Probation Division within the Judicial Department. Courts will also be required to issue an order related to the use of medical marijuana for affected persons, which increases workload by a minimal amount.

Potential decreases. To the extent that a person currently on probation uses medical marijuana in violation of his or her probation conditions, this bill may reduce technical revocations. Depending on the original crime, the bill may reduce the number of people sentenced to jail or to the Department of Corrections for violating the terms of probation. This analysis assumes any reduction is minimal.

TABOR Impact

To the extent that this bill changes the number of people on probation, revenues subject to the provisions of TABOR may increase or decrease. As noted above, a person on probation pays a monthly fee of \$50. TABOR refunds are paid from the General Fund.

Local Government Impact

To the extent that this bill reduces persons revoked from probation and sentenced to jail, costs will decrease. The cost to house an offender in county jails varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. It is assumed that the impact of this bill will be minimal.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to persons on probation on or after this date.

State and Local Government Contacts

Corrections
Judicial

Counties
Municipalities

District Attorneys
Sheriffs