

**STATE and LOCAL
REVISED FISCAL IMPACT**

(replaces fiscal note dated April 13, 2009)

Drafting Number: LLS 09-0518

Date: April 21, 2009

Prime Sponsor(s): Rep. Waller
Sen. Kopp

Bill Status: Senate Judiciary

Fiscal Analyst: Marc Carey (303-866-4102)

TITLE: CONCERNING THE DESIGNATION OF N-BENZYLPIPERAZINE AS A SCHEDULE I CONTROLLED SUBSTANCE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
State Revenue		
Cash Funds - Fines Collection Cash Fund	< \$5,000	< \$5,000
State Expenditures		
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: Upon signature of the Governor or upon becoming law without his signature, and shall apply to offenses on or after July 1, 2009.		
Appropriation Summary for FY 2009-2010: None required.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

Beginning in FY 2009-10, this reengrossed bill makes the unlawful use, distribution, manufacture or dispensing of any material compound or mixture containing the stimulant N-benzylpiperazine (BZP) a class 1 misdemeanor.

State Revenue

Fine Revenue. The bill may increase state revenue from fines, although less than \$5,000 in new state revenue is expected per year. According to Section 18-1.3-501, C.R.S., the penalty for a class 1 misdemeanor is 6 to 18 months imprisonment in a county jail, a fine of \$500 to \$5,000, or both. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined.

Local Government Impact

The penalty for a class 1 misdemeanor is 6 to 18 months imprisonment in a county jail, a fine of \$500 to \$5,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails a daily rate of \$50.44 to house state inmates. It is assumed that the impact of this new misdemeanor will be minimal and will not create the need for additional county jail space.

Departments Contacted

Corrections

Judicial

Public Safety