

JBC STAFF FISCAL ANALYSIS SENATE APPROPRIATIONS COMMITTEE

CONCERNING PENALTIES ASSOCIATED WITH CATHINONES, AND, IN CONNECTION THEREWITH, ESTABLISHING A MISDEMEANOR PENALTY FOR POSSESSION OF A CATHINONE.

Prime Sponsors: Senator Foster
Representative Brown

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Summary of Amendments Made to the Bill After the 02/20/12 Legislative Council Staff Fiscal Note Was Prepared (Amended by the Senate Local Government Committee 02/21/12)

The Senate Local Government Committee Report parenthetically adds alternative names for the 29 substances that this bill specifically lists as cathinones. The amendment does not add substances to or remove substances from the list. The amendment also changes several singular references to "cathinone" to the plural "cathinones".

The Senate Local Government Committee report does not alter the fiscal impact of the bill as outlined in the February 20, 2012, Legislative Council Staff Fiscal Note. Legislative Council Staff agrees with the assessment.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

☒ **XXX** **Concurs** ☐ **Does Not Concur** ☐ **Updated Analysis**

Amendments/Appropriation Status

The bill requires but does not contain an appropriation clause. Staff has prepared amendment **J.001** (attached) to add a provision appropriating the following amounts for FY 2013-14 through FY 2016-17 based on the fiscal impact identified in the Legislative Council Staff Fiscal Note dated February 20, 2012:

Summary of Amendment J.001				
Fiscal Year	Transfer From the General Fund to Capital Construction Fund	Appropriation From the Capital Construction Fund to the Corrections Expansion Reserve Fund	Appropriation From the General Fund to the Department of Corrections	Total General Fund Appropriation and Transfer
FY 2012-13	\$0	\$0	\$0	\$0
FY 2013-14	0	0	20,706	20,706
FY 2014-15	0	0	20,706	20,706
FY 2015-16	0	0	20,706	20,706
FY 2016-17	0	0	20,706	20,706
Total	\$0	\$0	\$82,824	\$82,824

Bill Sponsor Amendments

Staff is not aware of any sponsor amendments to be offered.

Points to Consider

1. This bill requires \$20,706 in annual statutory appropriations from the General Fund to the Department of Corrections from FY 2013-14 through FY 2016-17, thereby reducing the amount of funds available for other purposes in each of those years.
2. The appropriation in J.001 corresponds to the Legislative Council Staff Fiscal Note, which reflects the new Legislative Council Staff policy regarding sentencing bills. Prior to 2009, fiscal notes included appropriations that covered both capital and operating costs for new beds based on the average costs of state-run prisons. Beginning in 2009, fiscal notes began incorporating costs associated with private prisons. The 2009 methodology used a prorated formula based on actual historical placement of prisoners between state-run facilities and private facilities. Thus, if a bill was expected to lead to three new people sentenced to the Department of Corrections, and two-thirds of offenders in that felony class had historically been housed in private prisons, the fiscal note would have shown costs reflecting the same placement (i.e., two offenders in private prison and one in a state facility, with capital and operating costs to match these placements.) Beginning in 2012, fiscal notes identify operating costs based on the private prison rate, instead of the blended rate used in previous years, and do not identify any need for capital construction costs. This assessment more accurately reflects the fact that fluctuations in the prison population in recent years have been accommodated through the use of private prisons. It also matches current budgeting policies of the General Assembly.