



130th MAINE LEGISLATURE

LD 994

LR 914(03)

An Act To Promote Public Health by Eliminating Criminal Penalties for Possession of Hypodermic Apparatuses

Fiscal Note for Bill as Engrossed with:

C "A" (H-240)

Committee: Criminal Justice and Public Safety

Fiscal Note

Potential current biennium savings - General Fund

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$13,285	\$13,285	\$13,285	\$13,285
Revenue				
General Fund	(\$13,285)	(\$13,285)	(\$13,285)	(\$13,285)

Correctional and Judicial Impact Statements

Eliminates Class C crimes; decreases correctional and judicial costs

Eliminates Class D crimes

Minor reduction of workload associated with the minimal number of cases that will no longer be filed in the court system.

Fiscal Detail and Notes

This bill amends the laws on hypodermic apparatuses and drug paraphernalia by allowing a person to possess a residual amount of a scheduled drug in one or more hypodermic apparatuses without committing the crime of unlawful possession of a scheduled drug, eliminating the Class C crime of trafficking in or furnishing hypodermic apparatuses, and eliminating the Class D crime of illegal possession of hypodermic apparatuses. According to data provided by the Judicial Branch, in 2019 there were 113 charges filed for the Class D crime of illegal possession of hypodermic apparatuses. These charges resulted in \$13,285 in fines being assessed that will no longer accrue to the General Fund. Repealing the Class C crime of trafficking in or furnishing hypodermic apparatuses and modifying the crime of unlawful possession of a scheduled drug are anticipated to reduce the collection of fine revenue to the General Fund by minor amounts.

Finally, it is unclear how many individuals will no longer be convicted of the Class C crime of trafficking in or furnishing hypodermic apparatuses who otherwise would have been charged. For each individual who is no longer convicted of this crime the Department of Corrections will save \$55,203 per year, which is the current average cost of incarcerating an individual for a single year.