



# 130th MAINE LEGISLATURE

LD 967

LR 933(03)

## An Act To Make Possession of Scheduled Drugs for Personal Use a Civil Penalty

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

### Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Net Cost (Savings)</b>				
General Fund	(\$368,877)	(\$471,417)	(\$471,417)	(\$471,417)
<b>Appropriations/Allocations</b>				
General Fund	(\$1,046,425)	(\$1,148,965)	(\$1,148,965)	(\$1,148,965)
<b>Revenue</b>				
General Fund	(\$677,548)	(\$677,548)	(\$677,548)	(\$677,548)

### Correctional and Judicial Impact Statements

- Eliminates Class B crimes; decreases correctional and judicial costs
- Eliminates Class C crimes; decreases correctional and judicial costs
- Eliminates Class D crimes
- Eliminates Class E crimes
- Establishes new Class E crimes

### Fiscal Detail and Notes

This bill changes first and second offenses of possession of scheduled drugs from crimes to civil violations and third offenses to Class E crimes. The bill also imposes a fine of \$100 for a first violation or referral to treatment, a fine or a referral for a second violation and a Class E crime and a fine of up to \$300 or referral for assessment and treatment for a third violation. According to data provided by the judicial branch, there are currently an average of 1,658 violations per year for these offenses and fines assessed averaged \$677,549 per year. Using certain assumptions related to the number of offenders and the frequency of violations likely to occur, it is estimated that revenues credited to the General Fund will decrease by \$553,022 per year.

Additionally, changing possession of scheduled drugs from being charged as crimes to civil violations will reduce the number of individuals who serve sentences in state correctional facilities. In 2019 a total of 16 individuals were admitted to prison for possession of a scheduled drug. Assuming that 3 of these admissions were for Class B crimes and 13 were for Class C crimes, the bill includes ongoing General Fund deappropriations to the Department of Corrections of \$1,046,425 in fiscal year 2021-22 and \$1,148,965 in fiscal year 2022-23. This estimate is based on the assumption that the average length of stay for a Class B crime is 591 days and for a Class C crime is 364 days at an average cost of \$151.24 per day.