



**Colorado
Legislative
Council
Staff**

HB16-1359

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-1104
Prime Sponsor(s): Rep. Salazar

Date: March 22, 2016
Bill Status: House Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: USE OF MEDICAL MARIJUANA WHILE ON PROBATION

| Fiscal Impact Summary | FY 2016-2017 | FY 2017-2018 |
|---|-------------------|--------------|
| State Revenue | | |
| State Expenditures | Minimal decrease. | |
| Appropriation Required: None. | | |
| Future Year Impacts: Ongoing minimal expenditures decrease. | | |

Summary of Legislation

This bill eliminates one of two exceptions to the prohibition against a court requiring that a person on probation refrain from possessing or using medical marijuana. Under current law, a court may not prohibit the authorized possession or use of medical marijuana as a condition of probation unless the defendant was convicted of a medical marijuana-related crime or the court determines, based on a substance abuse assessment, it is necessary and appropriate to accomplish sentencing goals. The bill eliminates the exception based on a substance abuse assessment.

State Expenditures

Beginning in FY 2016-17, this bill may reduce workload for the trial courts and probation division of the Judicial Department and costs in the Department of Corrections (DOC) by a minimal amount.

Under the bill, the court will no longer be able to prohibit the use of medical marijuana as a condition of probation based upon an assessment. This reduces workload to consider this information in setting terms of probation and may also reduce revocations from violating probation conditions that previously addressed this.

To the extent that fewer revocations occur and those offenders were completing probation in lieu of prison, costs in the Department of Corrections will be reduced. Currently, offenders placed in a private contract prison cost the state about \$59.90 per offender per day, including the current daily rate of \$56.02 and an estimated \$3.88 per offender per day for medical care provided by the DOC.

As of this writing, the exact number of probationers that House Bill 16-1359 applies to is unknown. However, these reductions are assumed to be minimal and will not require a reduction in appropriations for any agency within the Judicial Department or the Department of Corrections.

Local Government Impact

To the extent that this bill reduces revocations that result in an offender being sentenced to a term in 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 August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

| | | |
|------------------------|--------------------|----------------|
| Corrections | District Attorneys | Human Services |
| Information Technology | Judicial | |

Research Note Available

An LCS Research Note for HB 16-1359 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.