Department of Planning and Budget 2025 General Assembly Session State Fiscal Impact Statement

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Bill Number: HB2317 Patron: Davis

Bill Title: Possession of marijuana, marijuana products, retail tobacco products, and hemp products

intended for smoking by a person younger than 21 years of age prohibited; penalty.

Bill Summary: Provides that no person younger than 21 years of age shall consume or possess, or attempt to consume or possess, any marijuana, marijuana products, retail tobacco products, or hemp products intended for smoking, as such terms are defined in relevant law, and a violation of such prohibition is a Class 1 misdemeanor, with certain exceptions. The bill also allows any such person charged with his first offense of underaged possession of retail tobacco products or hemp products intended for smoking to have the proceedings deferred, to be placed on probation by the court, and to have the charges dismissed by the court without an adjudication of guilty upon such person's successful completion of probation.

Budget Amendment Necessary: No. Items Impacted: N/A

Explanation: N/A

Fiscal Summary: There is an indeterminate amount of possible civil penalty revenue to the Literary Fund.

Fiscal Analysis: Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays localities \$5.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

The Department of Juvenile Justice reports that this bill would not have a fiscal impact on agency operations. Any fiscal impact this bill may have on Courts is not known at this time. If additional information that indicates a fiscal impact becomes available, this impact statement will be revised.

Other: None.