



**Colorado
Legislative
Council
Staff**

SB17-184

**FINAL
FISCAL NOTE**

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

Drafting Number: LLS 17-0928
Prime Sponsor(s): Sen. Gardner
Rep. Pabon

Date: June 14, 2017
Bill Status: Deemed Lost
Fiscal Analyst: Clare Pramuk (303-866-2677)

BILL TOPIC: PRIVATE MARIJUANA CLUBS OPEN & PUBLIC USE

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue	(<\$5,000)	(<\$5,000)
Cash Funds	(<5,000)	(<5,000)
State Expenditures	Workload reduction. See State Expenditures section.	
Appropriation Required: None.		
Future Year Impacts: Ongoing revenue and expenditure decrease.		

NOTE: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill defines the terms "open and public" and "openly and publicly" to prohibit marijuana consumption in areas generally open or accessible to the general public such as highways, transportation facilities, places of amusement, parks, playgrounds, and the common areas of public buildings and facilities. Open and public consumption of marijuana is a violation of the Colorado Constitution and Colorado statutes. It is charged as a Class 2 drug misdemeanor under current law. The bill allows local jurisdictions to more strictly define "open and public" through ordinances or resolutions which may also include locations and circumstances that are exceptions to the prohibition on open and public consumption.

State Revenue

Beginning in FY 2017-18, this bill is anticipated to decrease state cash fund revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 2 drug misdemeanor offense is \$50 to \$750. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. However, based on the low number of fines imposed in the past three years, the fiscal note assumes that any revenue reduction is likely to be less than \$5,000.

State Expenditures

Due to the availability of a place for people to consume marijuana, the bill will minimally decrease workload of the Judicial Department corresponding to a decrease in drug misdemeanor offenses. This decrease does not require a reduction in appropriations.

Local Government Impact

This bill will affect local governments, as discussed below.

County court expenditures. The bill decreases workload for district attorneys to prosecute misdemeanors under the bill. To the extent that this bill decreases misdemeanor convictions and offenders are not sentenced to jail, costs will decrease. Under current law, a court may sentence an offender to jail for a class 2 misdemeanor for a period of between 3 and 12 months. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. It is assumed that the impact of this bill will be minimal.

Denver County expenditures. The bill results in a decrease in workload for the Denver County Court, managed and funded by the City and County of Denver. The court will try fewer misdemeanor cases under the bill. Probation services in the Denver County Courts may also experience a minimal decrease in workload.

Effective Date

The bill was deemed lost on May 10, 2017, after the House and Senate rejected the first report of the second conference committee and adhered to their positions.

State and Local Government Contacts

Counties	Information Technology	Judicial
Law	Municipalities	Public Safety
Revenue		