

Colorado Legislative Council Staff
FISCAL IMPACT STATEMENT

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BALLOT TITLE: AN AMENDMENT TO SECTION 18-18-406 (1) OF THE COLORADO REVISED STATUTES MAKING LEGAL THE POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA FOR ANY PERSON TWENTY-ONE YEARS OF AGE OR OLDER.

Summary of Amendment

Under current law, any person possessing one ounce or less of marijuana is guilty of a Class 2 petty offense and is subject to a fine of up to \$100. This amendment decriminalizes the possession of this amount of marijuana for persons 21 and older, making the crime applicable only to people under 21.

State Revenue

Fine revenue may be reduced since fines would no longer be assessed against adults who possess one ounce or less of marijuana. However, any change in fine revenue cannot be quantified because the total number of persons convicted of this Class 2 petty offense is unknown.

Currently, the state only tracks data on petty offense convictions in state court when a person is also charged with a more serious misdemeanor or felony crime. It does not track data on petty offense convictions in municipal court. In addition, judges have discretion when assessing fines, not all offenders are assessed the maximum \$100 fine, and some fines go uncollected. As a result, any reduction in fine revenue for possessing one ounce or less of marijuana cannot be estimated.

State Expenditures

The proposal will not affect state spending. The courts' workload will not be affected because persons charged with marijuana possession typically appear in state court on other charges. Similarly, the Department of Public Safety will not be impacted since state law enforcement officers typically only search a person for marijuana possession after having probable cause that another offense has been committed. Finally, the Department of Corrections will not be affected because the penalty for possession of one ounce or less of marijuana does not include incarceration in a state prison.

Local Government Impact

Since municipal and county governments retain a portion of fines collected for criminal violations, this amendment will result in a minimal reduction in local government revenue. It is estimated that the amendment will not impact local government spending for the same reasons it will not affect state government spending.