



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	H. 3444	Introduced on January 8, 2019
Author:	Rutherford	
Subject:	Legalize Possession of Marijuana by a Veteran	
Requestor:	House Medical, Military, Public, and Municipal Affairs	
RFA Analyst(s):	Gardner	
Impact Date:	January 17, 2019	

Fiscal Impact Summary

This bill reduces the number of individuals that will be charged with the unlawful possession of controlled substances or a controlled substance analogue. The Judicial Department, Commission on Prosecution Coordination, Commission on Indigent Defense, and the Department of Corrections reports that the implementation of this bill will have no expenditure impact to the General Fund, Other Funds, or Federal Funds, because there would be a reduction in caseloads resulting from the passage of the bill.

This bill is expected to reduce state General Fund assessment fee revenues authorized under Sections 14-1-205, 14-1-206, 14-1-207, or 14-1-208, whichever is applicable, by an undetermined amount due to the decrease in the number of fines assessed for violations of the offense described in the bill. However, the amount is expected to be minimal.

This bill is expected to reduce local court fine revenue by an undetermined amount because it is unknown how many of the previous cases involved veterans which have service-related post-traumatic stress disorder arising from service in a designated combat area. However, the amount is expected to be minimal.

Explanation of Fiscal Impact

Introduced on January 8, 2019

State Expenditure

This bill amends provisions related to the unlawful possession of controlled substances or a controlled substance analogue. While it is currently illegal for a person to possess certain amounts of marijuana or hashish, the bill will enable a veteran to lawfully possess twenty-eight grams or one ounce or less of marijuana or ten grams or less of hashish, provided he has received an honorable discharge or a general under honorable conditions discharge and has been diagnosed by the U.S. Department of Veterans Affairs as having service-connected post-traumatic stress disorder arising from his duty in an area in which U.S. armed forces are engaging or have engaged in combat.

Judicial Department. This bill permits the lawful possession of twenty-eight grams or one ounce or less of marijuana or ten grams or less of hashish by certain veterans having service-related post-traumatic stress disorder. Currently, first offense violations for unlawful possession of these substances are misdemeanor offenses punishable by imprisonment of not more than thirty days or a fine of not less than one hundred dollars nor more than two hundred dollars.

Second and subsequent violations are misdemeanor offenses punishable by imprisonment of not more than one year or a fine of not less than two hundred dollars nor more than one thousand dollars, or both. First offense violations are heard in magistrate and municipal courts, while second and subsequent offenses are heard in general sessions courts.

During FY 2018-19, 733 cases for unlawful possession of marijuana or hashish were disposed of in general sessions courts, and 12,597 cases were disposed of in magistrate and municipal courts. However, as the department does not classify offenders by status, it cannot determine the number of prior cases that involved veterans who, under the provisions of the bill, would not have been prosecuted for such offenses. The department anticipates any reduction in caseloads resulting from the passage of the bill to be minimal.

Commission on Prosecution Coordination. The implementation of this bill will have no expenditure impact to the General Fund, Other Funds, or Federal Funds, because there would be a reduction in caseloads resulting from the passage of the bill.

Commission on Indigent Defense. The implementation of this bill will have no expenditure impact to the General Fund, Other Funds, or Federal Funds, because there would be a reduction in caseloads resulting from the passage of the bill.

Department of Corrections. The department reports that persons convicted of possessing less than twenty-eight grams or one ounce of marijuana or ten grams or less of hashish are, for a first offense, are processed through municipal or county jails. Persons who receive prison time for a conviction of possessing more than twenty-eight grams or one ounce of marijuana or more than ten grams of hashish for a first offense or who receive prison time for a subsequent conviction for this offense are housed in state correctional facilities.

The department reports that it does not track the amount of illegal substances that had been possessed by offenders who were convicted and sentenced to state correctional facilities. However, most of the 250 inmates currently housed in state correctional facilities who were convicted of unlawful marijuana or hashish possession are also serving sentences for other offenses for which the penalties may be more severe. Only two inmates are currently imprisoned in state correctional facilities who were convicted of a single offense of unlawful marijuana or hashish possession. The department does not expect the bill to have an expenditure impact on General, Federal, or Other Funds since it should not increase the inmate population at state correctional facilities.

State Revenue

This bill makes it lawful for certain veterans suffering from service-related post-traumatic stress disorder to possess specific amounts of marijuana or hashish. This bill is expected to reduce court fine revenue by an undetermined amount because it is unknown how many of the previous cases (733 in general sessions courts and 12,597 cases in magistrates and municipal courts) involved veterans which have service-related post-traumatic stress disorder arising from service in a designated combat area. As such, this bill is expected to reduce state General Fund assessment fee revenues authorized under Sections 14-1-205, 14-1-206, 14-1-207, or 14-1-208,

whichever is applicable, by an undetermined amount. However, the amount is expected to be minimal.

Local Expenditure

This bill makes it lawful for certain veterans suffering from service-related post-traumatic stress disorder to possess specific amounts of marijuana or hashish. We anticipate that a reduction in the number of individuals convicted for the unlawful possession of marijuana or hashish, will result in a reduction of the number of individuals housed in local detention facilities. However, due to the lack of data on how many of the 733 cases in general sessions courts or 12,597 cases in magistrates and municipal courts involved veterans which meet the bills criteria, the reduction in the number of inmates at local detention facilities cannot be determined.

Local Revenue

This bill makes it lawful for certain veterans suffering from service-related post-traumatic stress disorder to possess specific amounts of marijuana or hashish. This bill is expected to reduce local court fine revenue by an undetermined amount because it is unknown how many of the previous cases (733 in general sessions courts and 12,597 cases in magistrates and municipal courts) involved veterans which have service-related post-traumatic stress disorder arising from service in a designated combat area. As such, this bill is expected to reduce local court fine revenues authorized under Sections 14-1-205, 14-1-206, 14-1-207, or 14-1-208, whichever is applicable, by an undetermined amount.



Frank A. Rainwater, Executive Director