

# OFFICE OF FISCAL ANALYSIS

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sHB-5297

## AN ACT CONCERNING THE DECRIMINALIZATION OF POSSESSION OF SMALL AMOUNTS OF PSILOCYBIN.

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Savings	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Loss	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill reduces the penalty for possession of small amounts of psilocybin<sup>1</sup> resulting in a potential savings to the Department of Correction and to the Judicial Department for reductions in incarceration and probation, and a potential revenue loss to the General Fund from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300<sup>2</sup> while the average marginal cost for supervision in the community is less than \$800<sup>3</sup> each

<sup>1</sup>Under current law, this is a class A misdemeanor, which is punishable by up to one year of imprisonment and up to \$2,000 in fines. The bill imposes a fine of \$150 for the first offense of the possession of a small amount of psilocybin. Each subsequent offense may be fined not less than \$200 and not more than \$500.

<sup>2</sup>Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>3</sup>Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

year for adults and \$1,000 each year for juveniles.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.