HB 656-FN-A-LOCAL - AS AMENDED BY THE HOUSE

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2017 SESSION

17-0543
04/09

HOUSE BILL ***656-FN-A-LOCAL***

AN ACT relative to the home cultivation of marijuana plants and the possession of certain marijuana-infused products.

SPONSORS: Rep. Aldrich, Belk. 2; Rep. Zaricki, Hills. 6; Rep. Dyer, Hills. 37; Rep. Phinney, Straf. 24

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill permits adults to possess up to ¾ of an ounce of marijuana, 5 grams of hashish, and certain marijuana-infused products; permits adults to cultivate up to 6 marijuana plants at home in a secure location that is not visible from other properties, and to possess and process the marijuana produced from their plants at the same location; permits adults to give marijuana to other adults, provided it is not more than ¾ of an ounce of marijuana, 5 grams of hashish, or up to 300 mg of marijuana-infused products, or 3 immature plants; provides that smoking or vaporizing marijuana in public by an adult would be punishable by a $100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to $750; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell marijuana accessories to other adults.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to the home cultivation of marijuana plants and the possession of certain marijuana-infused products.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Statement of Purpose. The general court finds that:

I. Since 2012, voters in the District of Columbia and 7 states, including Maine and the Commonwealth of Massachusetts, have legalized possession and limited cultivation of marijuana by adults 21 years of age and older.

II. Statewide polls have consistently found that most New Hampshire voters support making marijuana legal for adults 21 years of age and older.

III. Marijuana is less harmful than alcohol to the consumer and to society. It is less toxic, less harmful to the body, less addictive, and less likely to contribute to violent or reckless behavior. Adults should not be punished choosing to use marijuana instead of alcohol, if that is what they prefer.

IV. Home brewing of alcoholic beverages is legal in New Hampshire and every other state in the nation.

V. Allowing adults to cultivate their own limited supply of marijuana will provide them with an alternative to buying marijuana from illicit drug dealers.

2 Other Alcohol and Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. This section shall not apply to the possession of marijuana or hashish as provided in RSA 318-B:2-c[~~, or a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b)~~].

3 Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B:2-c to read as follows:

318-B:2-c Personal Possession of Marijuana.

I. In this section:

(a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including

hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

(b) [~~"Personal-use amount of a regulated marijuana-infused product"~~] ***"Marijuana-infused product"*** means one or more products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures[~~, which was obtained from a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol~~].

(c) "Possession limit" means:

(1) Three-quarters of an ounce of marijuana, excluding hashish, marijuana-infused products, and growing marijuana plants;

(2) Five grams of hashish;

(3) Marijuana-infused products containing no more than 300 milligrams of tetrahydrocannabinol (THC);

(4) Six marijuana plants, with 3 or fewer being mature, flowering plants; and

(5) Any additional marijuana, hashish, or marijuana-infused products produced from the person's marijuana plants, provided that any amount of marijuana in excess of ¾ of an ounce of marijuana, 5 grams of hashish, and marijuana-infused products containing no more than 300 milligrams of THC shall be possessed in the same location where the plants were cultivated.

I-a. Except as provided in paragraphs III and IV, if undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law, shall not be a criminal or civil offense under New Hampshire law or the law of any political subdivision of New Hampshire, and shall not be a basis for seizure or forfeiture of assets under New Hampshire law:

(a) Possessing, consuming, growing, processing, or transporting an amount of marijuana that does not exceed the possession limit; or

(b) Transferring ¾ of an ounce of marijuana, 5 grams of hashish, marijuana-infused products containing no more than 300 milligrams of THC, or 3 immature, non-flowering marijuana plants to a person who is 21 years of age or older without remuneration; and

(c) Manufacturing, possessing, or purchasing marijuana accessories, or distributing or selling marijuana accessories to a person who is 21 years of age or older.

I-b. No person who is 21 years of age or older shall cultivate marijuana plants

except as provided in this section:

(a) Marijuana plants shall not be cultivated in a location where the plants are subject to public view, including to view from another private property, without the use of binoculars, aircraft, or other optical aids.

(b) A person who cultivates marijuana shall take reasonable precautions to ensure the plants are secure from unauthorized access. Cultivating marijuana in an enclosed, locked space to which unauthorized persons do not have access, or other similar security precautions, shall be prima facie evidence of reasonable precautions.

(c) Marijuana cultivation shall only occur at the cultivator's primary residence.

(d) A person who violates this section shall be guilty of a violation and may be fined not more than $750.

I-c. No person shall smoke marijuana in a public place. A person 21 years of age or older who violates this paragraph shall be guilty of a violation and may be fined not more than $100.

II. Except as provided in RSA 126-X, any person ***under 21 years of age*** who knowingly possesses 3/4 of an ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph [~~V~~] ***IV***.

III. Except as provided in RSA 126-X, any person ***under 21 years of age*** who knowingly possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph [~~V~~] ***IV***.

IV. [~~Except as provided in RSA 126-X, any person 21 years of age or older possessing a personal-use amount of a regulated marijuana-infused product shall be guilty of a violation, and subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21 years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.~~

~~V.~~](a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III[~~, or any person 21 years of age or older who is convicted of violating paragraph IV~~] shall be subject to a fine of $100 for a first or second offense under this paragraph, or a fine of up to $300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph [~~II, III or IV~~] ***II or III***, or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana[~~, regulated marijuana-infused products,~~] or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an

assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

(b) Any person under 18 years of age who is convicted of violating paragraph II or III shall forfeit the marijuana or hashish and shall be subject to a delinquency petition under RSA 169-B:6.

[~~VI.~~] ***V.***(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph [~~II, III, or IV~~] ***II or III*** and shall be released provided the law enforcement officer does not have lawful grounds for arrest for a different offense.

(b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.

(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph [~~II, III, or IV~~] ***II or III***.

(d) Any person in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of marijuana[~~, a personal-use amount of a regulated marijuana-infused product,~~] or 5 grams or less of hashish, may be arrested for a violation of paragraph [~~II, III, or IV~~] ***II or III***.

[~~VII.~~] ***VI.*** All fines imposed pursuant to this section shall be deposited into the alcohol abuse prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed substance abuse prevention programs.

[~~VIII.~~] ***VII.***(a) No record that includes personally identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the number of violations of paragraph [~~II, III, or IV~~] ***II or III***. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency's public Internet website.

VIII. Nothing in this section shall:

(a) Be construed to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees.

(b) Be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by marijuana.

(c) Be construed to permit the transfer of marijuana, with or without remuneration, to a person under 21 years of age, or to allow a person under 21 years of age to purchase, possess, use, transport, grow, or consume marijuana.

(d) Prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in the correctional facility's property.

(e) Prohibit a person or other entity that legally owns, leases, or controls any property from prohibiting or otherwise regulating the sale, use, or growing of marijuana on or in the property.

4 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c) and (d) to read as follows:

(c) In the case of more than 3/4 ounce of marijuana***, marijuana-infused products containing more than 300 milligrams of THC,*** or more than 5 grams of hashish, including any adulterants or dilutants, the person shall be guilty of a misdemeanor. In the case of marijuana-infused products possessed by persons under the age of 21 [~~or marijuana-infused products as defined in RSA 318-B:2-c, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older~~], the person shall be guilty of a misdemeanor.

(d) In the case of 3/4 ounce or less of marijuana or 5 grams or less of hashish, including any adulterants or dilutants, ***possessed by a person under 21 years of age,*** the person shall be guilty of a violation pursuant to RSA 318-B:2-c. [~~In the case of a person 21 years of age or older who possesses a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.~~]

5 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after paragraph VIII the following new paragraph:

VIII-a.(a) No person, other than an alternative treatment center approved pursuant to RSA 126-X, shall perform solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol.

(b) No person shall extract compounds from cannabis using ethanol in the presence or vicinity of an open flame.

(c) Any person who violates this paragraph shall be guilty of a class A misdemeanor.

6 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:4, I to read as follows:

I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B***, the possession, use, manufacture, sale, or transportation of which is not otherwise authorized by law***.

7 Effective Date. This act shall take effect 60 days after its passage.

LBAO
17-0543
1/25/17

HB 656-FN-A-LOCAL- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the legalization and regulation of marijuana.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**
Appropriation	$0	$0	$0	$0
Revenue	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[X] Highway	[X] Other

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill legalizes the possession of up to one ounce of marijuana and up to five grams of hashish, possessing or growing up to six marijuana plants, and transferring up to one ounce of marijuana and up to six immature marijuana plants by a person twenty-one years old or older without remuneration. Additionally, this bill establishes a regulatory system for the cultivation, transport, sale, and taxation of marijuana. This bill identifies four regulatory agencies responsible for regulating businesses involved in the production, purchase, and sale of marijuana; (1) Department of Agriculture, Markets and Food (DAMF), (2) Department of Health and Human Services (DHHS), (3) New Hampshire Liquor Commission (Commission), and (4) Department of Revenue Administration (DRA). The new regulatory system sanctions the following licensed businesses and activities:

- **Marijuana Cultivation Facility.** A business that grows and cultivates marijuana. DAMF and DRA are both responsible to license and regulate these businesses. It isn't clear as to whether the bill is intentionally designed to have two agencies involved with the regulation of the same business type.
- **Marijuana Product Manufacturing Facility.** A business that purchases marijuana

from Marijuana Cultivation Facilities and produces products infused with marijuana. Such products can include cake, ice cream, candy, tinctures, cookies, or brownies. DHHS is responsible to license and regulate these businesses.

- **Retail Marijuana Store.** A retail business that purchases marijuana or products from Marijuana Cultivation Facilities or Marijuana Product Manufacturing Facilities and sells those goods to customers who are the age of 21 or over. The Commission is responsible to license and regulate these businesses.
- **Marijuana Testing Facility.** A business that tests for the potency of tetrahydrocannabinol (THC) in marijuana and any containments. DHHS is responsible to license and regulate these businesses.
- **Hemp Production.** Persons will be permitted to cultivate hemp. DAMF shall be required to license individuals and regulate this activity.

There is no information available to estimate how many applicants will apply for or become licensed. The four aforementioned regulatory agencies (DRA, DAMF, DHHS, and the Commission) are responsible for adopting administrative rules for the facilities and activities they are charged with regulating that includes, but is not limited to the following:

- Procedures for the issuance, denial, renewal, suspension, and revocation of licenses;
- Qualifications for licensee applicants;
- Safety standards;
- Transportation requirements;
- Schedule of civil fines;
- Security standards;
- Record keeping requirements; and
- Procedures for hearings on civil fines and suspensions and revocations of licenses.

In addition to the provisions included in the preceding bullet points, this bill requires the Commission, DAMF, and DHHS to establish schedules for application, registration, and annual renewal fees via administrative rules. However, this bill statutorily establishes a $250 application fee and a $250 registration renewal fee every two years for Marijuana Cultivation Facilities collected by DRA and duplicatively requires DAMF to establish application and registration fees via rule for Marijuana Cultivation Facilities.

In addition to the statutory fees and fees established through rules, applicants for any of the four business licenses must submit a $500 fee to the applicable regulatory agency that is subsequently transferred, along with a copy of the application, to the municipality in which the business will be located. The municipality receives the payment and may then review and deny or approve the application. Municipalities may adopt ordinances prohibiting or limiting

the number and type of marijuana establishments, establishing hours of operation, and creating local review procedures.

The rate at which marijuana shall be taxed shall be $30 per ounce of marijuana flower or proportionate part and $15 per ounce on all parts of marijuana other than the flower sold or transferred by a Marijuana Cultivation Facility to a Marijuana Product Manufacturing Facility or a Retail Marijuana Store. DRA must collect the tax and adjust the rate for inflation on an annual basis. Finally, an additional 15 percent tax shall be applied to the sales price for marijuana sold or transferred by a Retail Marijuana Store to the consumer, which will be collected by DRA. The Commissioner of DRA shall deposit 70 percent of the revenue into the general fund for distribution to the cities and towns for the purpose of property tax reduction. The remaining 30 percent of revenue will be deposited into the alcohol abuse prevention and treatment fund.

DRA is required to license Marijuana Cultivation Facilities which will involve processing applications, forwarding the application and $500 fee to the municipality where the applicant desires to operate and evaluating registration applications and issuing registrations based on numerous areas of consideration. DRA states this bill cannot be administered as written as DRA must establish administrative rules and accept registration applications on June 1, 2018, prior to the bill becoming effective on July 1, 2018.

To administer this bill, DRA states it would need the following positions:

Position	Number of Positions	FY 2018*	FY 2019	FY 2020	FY 2021
Administrative Secretary (LG 14)	1	$31,000	$58,000	$61,000	$64,000
Administrator III (LG 31)	1	$50,000	$99,000	$104,000	$110,000
Tax Auditor VI (LG 31)	2	$93,000	$188,000	$200,000	$212,000
Attorney I (Unclassified DD)	2	$97,000	$196,000	$208,000	$220,000
	Total	**$271,000**	**$541,000**	**$573,000**	**$606,000**
Note: * Assumes positions will be filled during half of FY 2018.					

DRA estimates the additional tax revenue will be between $42 million to $52.5 million annually based on the following assumptions and analysis:

GENERAL ASSUMPTIONS	
2015 NH Population - 20 years or older (US Census Bureau)	1,028,854
2014 Marijuana Use among Persons 20 or older (National Survey on Drug Use and Health	19.3%
Estimate of State Population Using Marijuana	198,569
Average Annual Marijuana Consumption	3.53 ounces

(Colorado Futures Center)	
Estimated Ounces Consumed Per Year	700,948
REVENUE DERIVED FROM $30 PER OUNCE TAX	
Tax Rate Per Ounce	$30
Estimated Additional Tax Revenue	**$ 21,028,438**
REVENUE DERIVED FROM 15% SALES TAX	
Low Estimate*	
Estimated Total NH Marijuana Sales at $200 per Ounce	$140,189,600
Estimated Additional Tax Revenue at $200 per ounce	**$21,028,440**
High Estimate*	
Estimated Total NH Marijuana Sales at $300 per Ounce	$210,284,400
Estimated Additional Tax Revenue at $300 per ounce	**$31,542,660**
Note: * The per ounce price estimates are derived from the Colorado Marijuana Policy Group. The average price of medical marijuana is $200 and recreational marijuana is $300.	

DRA is unable to estimate the revenue generated from registration and application fees at the State and local level because the registration fee amounts and number of registrations will not be established until the rulemaking process is complete. Consequently, the Department has no method available to estimate the potential revenue at the State or local level.

DAMF states that to regulate Marijuana Cultivation Facilities and the cultivation of hemp it would need to hire new staff, obtain new office space, purchase vehicles, and make a one time purchase of a marijuana plant tracking database to track marijuana plants. The following table provides the estimated costs:

DAMF Personnel Costs					
Position Title	Number of Positions	FY 2018	FY 2019	FY 2020	FY 2021
Agricultural Inspector (LG 20)	5	$355,000	$345,000	$360,000	$380,000
Telecommunications Specialist (LG 20)	1	$71,000	$69,000	$72,000	$76,000
Administrator I (LG 32)	1	$103,000	$103,000	$108,000	$114,000
Attorney I (LG 26)	1	$85,000	$84,000	$88,000	$92,000
Administrative Secretary (LG 20)	1	$71,000	$69,000	$72,000	$76,000
Institutional Safety Officer	1	$85,000	$84,000	$88,000	$92,000
DAMF Operations					
Office Space		$15,000	$15,000	$15,000	$15,000
Office Support Costs		$100,000	$100,000	$100,000	$100,000
6 Vehicle at $96,000 each		$96,000	$0	$0	$0

Marijuana Plant Tracking Database	$1,500,000	$0	$0	$0
Total DAMF Personnel and Operations Costs	$2,481,000	$869,000	$903,000	$945,000

DAMF is responsible to register individuals growing hemp and may assess $100 fee for the performance of its oversight duties. DAMF must adopt administrative rules relative to the regulation of Marijuana Cultivation Facilities no later than June 1, 2018, which is prior to the July 1, 2018 effective date of the bill. Additionally, DAMF is charged to adopt administrative rules for the regulation of hemp.

The Commission states it will need to hire new personnel prior to July 1, 2018. The Commission is responsible for establishing a maximum number of licenses that may be issued for the operation of Retail Marijuana Stores. The minimum number in the bill is one for every ten liquor stores which equates to approximately eight retail licenses. The Commission assumes there will be many more applications than the minimum number provided for by the bill. However, assuming only eight licensees are permitted, the Commission will need the additional personnel included in the table below to implement the provisions of this bill. Ultimately the number of staff needed will depend on the actual number of Retail Marijuana Store licenses issued.

Commission Personnel Costs					
Position Title	Number of Positions	FY 2018	FY 2019	FY 2020	FY 2021
Legal Coordinator (LG 28, Group I)	1	$94,000	$107,000	$113,000	$116,000
Legal Secretary III (LG 14, Group I)	1	$53,000	$68,000	$71,000	$73,000
Liquor (Cannabis) Licensing Specialist (LG 18, Group I)	1	$61,000	$83,000	$87,000	$89,051
Liquor Enforcement Sergeant (LG 20, Group II)	1	$144,000	$128,000	$130,000	$130,000
Liquor (Cannabis) Investigator (LG 18, Group II)	2	$236,000	$202,000	$210,000	$216,000
Liquor (Cannabis) Examiner II (LG 20, Group I)	1	$93,000	$87,000	$92,000	$94,000
Total Position Costs		$681,000	$675,000	$703,000	$718,051

The Liquor Commission states if eight licenses were issued, and license fees were approximately $10,000 (the fee will be determined through administrative rules), then state revenue would increase by $80,000. The Commission must adopt administrative rules no later than September 1, 2018, relative to the regulation of Marijuana Retail Stores.

Under this bill, DHHS would be required to register and regulate Marijuana Product Manufacturing Facilities and Marijuana Testing Facilities. The Department assumes this would include an inspection process. DHHS states it would incur a cost to establish administrative rules for the regulation of these facilities, which must be done no later than August 1, 2018. Depending on the number of facilities that become licensed, there may be a need to hire additional staff to perform the required regulatory functions. However, DHHS is unable to estimate the degree of the impact on DHHS resources and expenditures.

This bill establishes new violation level offenses and a class B felony offense, which may result in additional appeals to the supreme court, and eliminates an existing class A misdemeanor, an unspecified misdemeanor, and two felony offenses that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought or not brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2018	FY 2019
Violation Level Offense	$48	$48
Class B Misdemeanor	$49	$50
Class A Misdemeanor	$71	$72
Routine Criminal Felony Case	$451	$456
Appeals	Varies	Varies
It should be noted average case cost estimates for FY 2018 and FY 2019 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	$756/Case	$756/Case
Contract Attorney – Misdemeanor	$275/Case	$275/Case*
Assigned Counsel – Felony	$60/Hour up to $4,100	$60/Hour up to $4,100
Assigned Counsel – Misdemeanor	$60/Hour up to $1,400	$60/Hour up to $1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). ** The Council's budget request for the FY 2018-19 biennium includes an increase to $300 per case for contract attorney misdemeanor cases.*		
Department of Corrections		

FY 2016 Average Cost of Incarcerating an Individual	$35,832	$35,832
FY 2016 Average Cost of Supervising an Individual on Parole/Probation	$573	$573
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	$85 to $110	$85 to $110

The Department of Justice states that existing resources used to prosecute large-scale drug trafficking crimes involving marijuana would be used to prosecute other controlled substances. Therefore, in regards to prosecution costs, the net impact would be $0. However, the four regulatory agencies would require legal assistance to implement the administrative rules required of them under this bill. Such associated costs are indeterminable.

The Department of Safety states this bill will have an indeterminable impact on its operations. The Department assumes there will be an increase in the number of driving under the influence (DUI) of marijuana related cases which could include DUI arrests and DUI crash investigations. There could also be fewer arrests made for marijuana possession which would represent an indeterminable cost savings. However, marijuana related arrests are often accompanied with additional unrelated charges so this savings may be minimal.

There may be an indirect reduction in local law enforcement expenditures because fewer violations for possession of marijuana are likely to be prosecuted. Any such reduction is speculative and cannot be determined.

AGENCIES CONTACTED:

Judicial Branch, Departments of Corrections, Justice, Safety, Health and Human Services, and Agriculture, Markets and Food, New Hampshire Liquor Commission, Judicial Council, New Hampshire Association of Counties, and Department of Revenue Administration