

# OFFICE OF FISCAL ANALYSIS

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HB-7065

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

### ***OFA Fiscal Note***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 26 \$	FY 27 \$
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 and other psilocybin associated items<sup>1</sup>, which results in a potential savings to the Department of Correction and the Judicial Department for incarceration or 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 \$600<sup>3</sup> each year for adults and \$450 each year for juveniles.

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<sup>1</sup> The bill makes the penalty an infraction. Infractions are not crimes and are punishable by fines that usually range from \$100 to \$300. The current penalties range from a class C misdemeanor to a mandatory sentence of 364 days of imprisonment.

<sup>2</sup> Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.)

<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

***The Out Years***

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

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anticipated to result in enough additional offenders to require additional probation officers.