

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6283**

**BILL NUMBER:** HB 1356

**NOTE PREPARED:** Dec 1, 2023

**BILL AMENDED:**

**SUBJECT:** Immunity If Seeking Aid for Drug Overdose Victim.

**FIRST AUTHOR:** Rep. Garcia Wilburn

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill specifies that the arrest and criminal immunity provisions of the lifeline law also apply to a person less than 21 years of age who commits an offense involving the possession of a controlled substance, paraphernalia, or a syringe.

**Effective Date:** July 1, 2024.

**Explanation of State Expenditures:** Any deferrals of these persons could reduce commitments to Department of Correction facilities.

**Explanation of State Revenues:** Persons who have their cases deferred and later dismissed would not pay certain court fees. The revenue loss would likely be minor.

**Explanation of Local Expenditures:** This bill would allow certain possession offenses to be eligible for this deferral program and place the person in the custody of the court under conditions determined by the court under the lifeline law. Adding these persons who are charged with these offenses might reduce the number of arrests and prosecutions and expand the number of persons who might be in deferral programs. This could reduce the number of persons who are placed in county jails both before and after trial. The number of persons who might be affected by this bill cannot be determined.

The lifeline law allows persons who have an alcohol related offense from being arrested or prosecuted and permits them to participate in certain deferral programs.

**Additional Information** - The following table shows the felonies and misdemeanors described in the bill.

Possession Offenses					
	Controlled Substance	Paraphernalia	Syringe	Maximum Imprisonment	Maximum Fine
Level 6 Felony	X		X	30 months in a DOC facility	\$10,000
Class A Misdemeanor	X	X	X	365 days in jail	\$5,000
Class B Misdemeanor				180 days in jail	\$1,000
Class C Misdemeanor	X	X		60 days in jail	\$500

**Explanation of Local Revenues:** Persons who have their cases deferred and later dismissed would not pay certain court fees. The revenue loss would likely be minor.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Local law enforcement agencies; courts with criminal jurisdiction, prosecuting attorneys.

**Information Sources:**

**Fiscal Analyst:** Nate Bodnar, 317-234-9476.