
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2021 - 2022 Regular Session

SB 519 (Wiener) - Controlled substances: decriminalization of certain hallucinogenic substances

Version: April 15, 2021

Urgency: No

Hearing Date: May 20, 2021

Policy Vote: PUB. S. 4 - 1, HEALTH 6 - 2

Mandate: Yes

Consultant: Shaun Naidu

Bill Summary: SB 519 would decriminalize the use and possession of, and other specified activities related to, certain hallucinogenic controlled substances by a person age 21 or older, except as specified; establish a process whereby a person could get a pending or prior related criminal case resentenced and/or dismissed and sealed; and establish a working group to research and make recommendations related to substances that are the subject of this bill.

***** **ANALYSIS ADDENDUM – SUSPENSE FILE** *****
The following information is revised to reflect amendments
adopted by the committee on May 20, 2021

Fiscal Impact:

- Department of Public Health (DPH): To fulfill its obligations with respect to the working group (and subsequent report) that would be established by this measure, the department reports personnel costs of \$416,000 for 1.0 Health Program Specialist II, 1.0 Research Scientist II/III, and 0.5 Associate Governmental Program Analyst from FY 2022-2023 through FY 2024-2025. Additionally, DPH indicates that it would incur external contracts costing \$1.35 million in FY 2022-2023 and \$650,000 in FY 2023-2024. (General Fund)
- Incarceration savings: Unknown, potential savings annually for individuals who, absent this measure, would be sentenced to a longer term of imprisonment for giving away or furnishing specified controlled substances to a minor under age 14. The proposed FY 2020-2021 per capita cost to detain a person in a state prison is \$112,691 annually, with an annual marginal rate per person of over \$13,000. Actual savings would depend on the number of individuals who are resentenced and who avoid incarceration in state prison because of this measure. Aside from marginal cost savings per individual, however, the department would experience an institutional cost savings only if the number of persons incarcerated decreased to a level that would effectuate the closing of a prison yard or wing. (General Fund)

Author Amendments: Strike the conviction dismissal, sealing, and resentencing provisions.

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