

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: HB1367

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Morrissey

3. Committee: Transportation

4. Title: Cigarettes; deemed litter for purposes of criminal punishment for improper disposal of trash.

5. Summary: This bill includes cigarettes in the category of items for which the improper disposal constitutes a criminal punishment. In addition, the bill provides that the court may order a defendant to perform community service in litter abatement activities in lieu of a Class 1 misdemeanor charge, as is mandated by current law. If the offense involves a cigarette or cigarettes, however, the court shall order the payment of a \$100 civil penalty payable to the Litter Control and Recycling Fund established in § 10.1-1422.01, Code of Virginia, in addition to an imposition of community service.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate.

8. Fiscal Implications: The bill authorizes a court to order a defendant to pay a \$100 civil penalty if a cigarette or cigarettes are unlawfully disposed of. Payments of the \$100 civil penalty are to be deposited to the Litter Control and Recycling Fund (the Fund), managed by the Department of Environmental Quality and established in § 10.1-1422.01, Code of Virginia.

The provisions of the bill may result in an increase in the amount of revenues deposited into the Fund, but as the number of civil penalties imposed cannot be known, any fiscal impact resulting from this bill is indeterminate.

The bill also clarifies that unlawful disposal of trash is classified as a Class 1 misdemeanor. It is not anticipated that this clarification will result in additional costs to the state as current law already assesses penalties that align with those of a Class 1 misdemeanor charge.

9. Specific Agency or Political Subdivisions Affected: Department of Environmental Quality.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/15/2013