

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** HB1458

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron:** Fariss

**3. Committee:** Committee on Transportation

**4. Title:** Public property and highways; dumping; animal carcasses; penalty.

**5. Summary:** Current law prohibits dumping or disposing of trash, garbage, refuse, litter, a companion animal or other unsightly matter on public property including a public highway, right-of-way, or property adjacent to such highway or right-of-way, or on private property without the consent of the owner or his agent. The proposed legislation expands the list of prohibited items to include all or part of the carcasses of any animal, fish, or bird. Violation of the existing provision is punishable as a Class 1 misdemeanor, with a jail sentence of no more than 12 months and/or a fine of at least \$250 but not more than \$2,500.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.

**8. Fiscal Implications:** Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

Current law also provides that any fine assessed for violating this provision would be no less than \$250 and no more than \$2,500. All revenue collected from such fines is deposited into the Literary Fund. However, it is not possible to estimate either the number of convictions that may result or the amount of each fine that may be assessed under this legislation. Therefore, the impact of this bill cannot be determined.

**9. Specific Agency or Political Subdivisions Affected:** Local and Regional jails

**10. Technical Amendment Necessary:** None

**11. Other Comments:** None