

Department of Planning and Budget
2020 Special Session I - Fiscal Impact Statement

1. Bill Number: SB5029S1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Lucas

3. Committee: Judiciary

4. Title: Issuing citations; possession of marijuana and certain traffic infractions.

5. Summary: Provides that no citation for a violation of any of the following offenses shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision in the Code or a local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or a criminal statute: (i) § 15.2-919 (regulation of motorcycle, moped, or motorized skateboard or scooter noise; (ii) § 46.2-1003 (illegal use of defective or unsafe equipment); (iii) § 46.2-1013 (tail light violations); (iv) § 46.2-1049 (exhaust system violations); (v) § 46.2-1052 (tinting films, signs, decals, and stickers on windshields, etc.); (vi) § 46.2-1053 (equipment of motor vehicles with sun shading or tinting films or applications); and (vii) § 46.2-1054 (suspension of objects or alteration of vehicle so as to obstruct the driver's view. The bill also provides that no citation for a violation of § 18.2-250.1 (possession of marijuana) shall be issued unless the officer issuing such citation has cause to stop or arrest the person for the violation of some other provision of the Code. Additionally, no law enforcement officer may lawfully search or seize any person, place, or thing solely on the basis of the odor of marijuana, and no evidence discovered or obtained as a result of such unlawful search or seizure shall be admissible in any trial, hearing, or other proceeding, according to the provisions of the proposed legislation.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See below.

8. Fiscal Implications: Currently, each of the traffic violation Code sections listed in the proposed legislation are punishable by a civil fine, plus court processing fees. Fines are deposited into the Literary Fund. In addition, various fees are required by law to be assessed, and the revenue is deposited into a number of special funds that support specified programs. A violation of § 18.2-250.1 (possession of marijuana) is punishable as a civil penalty of not more than \$25, which is deposited into the Drug Offender Assessment and Treatment Fund. Any potential fiscal impact as a result of this proposed legislation is indeterminate at this time.

Upon further review, the Virginia State Police (VSP) believes that as a result of this legislation the agency will have to replace their drug detection canines and retrain each

trooper assigned to a canine. Costs associated with these efforts are one-time costs, and the agency should be able to absorb these costs (one-time) using their existing appropriations.

There is no anticipated fiscal impact on the Courts. Any potential impact on local law enforcement agencies, Commonwealth's Attorneys, or Public Defenders is indeterminate at this time.

9. Specific Agency or Political Subdivisions Affected: Department of State Police, Local law enforcement agencies, Commonwealth's Attorneys, Public Defenders, and Courts.

10. Technical Amendment Necessary: No.

11. Other Comments: None.