



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill 453 (Patron—Stuart)

LD#: 26100087D

Date: 11/03/2025

Topic: Intentional discharge of untreated sewage

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Direct Care:**
Cannot be determined**
- **Juvenile Detention Facilities:**
Cannot be determined**

**Provided by the Department of Juvenile Justice

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, fiscal impact statements prepared by the Virginia Criminal Sentencing Commission only include the estimated increase in operating costs associated with additional state-responsible prison beds and do not reflect any other costs or savings that may be associated with the proposed legislation.

Summary of Proposed Legislation:

The proposal amends § 32.1-164, punishing the intentional discharge of untreated sewage onto the land or into the waters of the Commonwealth with a Class 6 felony. Violators are also subjected to a fine of not more than \$50,000. Under current law, the only penalties for such discharge of untreated sewage are civil in nature.

Analysis:

In an effort to model how the proposed Class 6 felony might be enforced, similar offenses were examined. A review of fiscal year (FY) 2020 through FY 2025 General District Court Case Management System (CMS) data revealed that nobody was convicted of a Class 1 misdemeanor for discharging sewage into tidal or nontidal waters under §§ 21-233 or 21-290 where that charge would have served as the primary, or most serious, offense.

Similarly, a review of FY2020-FY2025 Circuit Court CMS data revealed that nobody was convicted of a Class 6 felony for treating, transporting, or disposing of hazardous waste without valid permits or documents under § 10.2-1455(B) where that charge would have served as the primary offense.

As a result, Commission staff are unable to provide information on the sentencing behavior of similar offenses.

Impact of Proposed Legislation:

State adult correctional facilities. By creating a new Class 6 felony, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth. Existing databases do not provide sufficient detail to estimate the number of defendants who would be affected by the proposal. Therefore, the magnitude of the impact on prison bed space needs cannot be quantified.

Local adult correctional facilities. Similarly, the impact of the proposal on local-responsible (jail) bed space needs cannot be estimated.

Adult community corrections resources. Because the proposal could result in additional felony convictions with supervision requirements for the offenders, the proposal may affect adult community corrections programs. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections resources cannot be quantified.

Virginia's Sentencing Guidelines. Convictions under the proposed Class 6 felony would not be covered immediately by the Sentencing Guidelines as the primary, or most serious, offense. Such a conviction, however, could augment the Guidelines recommendation (as an additional offense) if the most serious offense at sentencing is covered by the Guidelines. No adjustment to the Guidelines is necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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