

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: SB12

Patron: DeSteph

Bill Title: Issuing citations; certain traffic offenses and odor of marijuana, exclusion of evidence.

Bill Summary: Removes provisions prohibiting a law-enforcement officer from stopping a motor vehicle for operating (i) with an expired registration sticker prior to the first day of the fourth month after the original expiration date; (ii) with defective and unsafe equipment; (iii) without tail lights, brake lights, or a supplemental high mount stop light; (iv) without lighted headlights displayed when so required; (v) with certain tinting films, signs, posters, stickers, or decals; (vi) with objects or other equipment suspended so as to obstruct the driver's view; or (vii) with an expired inspection prior to the first day of the fourth month after the original expiration date, as well as the accompanying exclusionary provisions. The bill also authorizes a law-enforcement officer to lawfully stop, search, or seize a person, place, or thing or a search warrant to be issued based solely on the odor of marijuana if such odor creates a reasonable suspicion of a violation of the law prohibiting driving while intoxicated.

Budget Amendment Necessary: Yes

Items Impacted: Item 390

Explanation: See below

Fiscal Summary: Proposal requires minimum "Woodrum" impact funding per § 30-19.1:4, Code of Virginia, to account for a possible increase in the need for state prison beds due to this legislation.

General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Dept. of Corrections		\$50,000				
TOTAL		\$50,000				

Fiscal Analysis: This proposal expands the circumstance in which a law enforcement officer is authorized to stop and search a motor vehicle on suspicion of driving under the influence (DUI) which may result in additional charges and convictions for DUI. Penalties for DUI range from a Class 1 misdemeanor for a first conviction up to a Class 6 felony for a third or fourth conviction, with mandatory minimum penalties based on the number of prior DUI convictions.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 a day for each misdemeanant or otherwise local-responsible prisoner held

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in a jail and \$15.00 a day for each state-responsible prisoner. It also funds a considerable 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 2025), the estimated total state support for local jails averaged \$58.25 per inmate, per day in FY 2024.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 725, 2025 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

Other: None.