

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

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ORIGINAL

Bill Number: SB453

Patron: Stuart

Bill Title: Intentional discharge of untreated sewage onto land or into waters of the Commonwealth; penalty.

Bill Summary: Creates a Class 6 felony for any person found to have intentionally discharged untreated sewage onto land or into waters of the Commonwealth. The bill also provides that such violation is subject to a fine not to exceed \$50,000.

Budget Amendment Necessary: Yes.

Items Impacted: 390 (DOC)

Explanation: This bill involves the Department of Environmental Quality (DEQ); the Courts; and the Departments of Corrections (DOC) and Juvenile Justice. See Fiscal Analysis section below.

Fiscal Summary: It is anticipated that any costs DEQ may incur can be absorbed within existing resources. 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.

General Fund Expenditure Impact:

Agency	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
DOC (799)		\$50,000				
TOTAL		\$50,000				

Fiscal Analysis: This impact statement is preliminary. It is anticipated that DEQ can absorb any costs associated with the implementation of this bill. The proposal amends § 32.1-164, Code of Virginia, 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.

For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender to a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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 misdemeanor 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.

Proceeds of all fines and penalties collected for offenses committed against the Commonwealth are paid into the state treasury to the credit of the Literary Fund.

Other: None.