

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB1030

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Austin

3. Committee: Committee Referral Pending

4. Title: Issuing citations; marijuana and certain traffic offenses.

5. Summary: Removes provisions prohibiting law enforcement officers from making a stop solely on the basis of the following circumstances and the prohibition on any evidence discovered or obtained as a result of such stop being admissible in court: (i) vehicle noise violations; (ii) driver's license violations pertaining to minors; (iii) expired registration; (iv) smoking in a vehicle with a minor present; (v) pedestrian violations on highways; (vi) defective equipment; (vii) vehicle lighting violations; (viii) exhaust systems not in good working order; (ix) window tinting or sign/decal/sticker violations on windshields; (x) suspension of objects or vehicle alteration such that the driver's view is obstructed; (xi) seat belt violations; (xii) vehicle safety inspection violations; and (xiii) violations of local motor vehicle ordinances.

The bill also provides that in the case of (i) a driver's license violation pertaining to a minor; (ii) smoking in a vehicle with a minor present; or (iii) seat belt violations, no citation may be issued for the offense unless the officer has cause to stop or arrest the driver for a violation of some other Code section or local ordinance relating to motor vehicles.

The bill also repeals § 4.1-1302, providing that no law enforcement officer may stop, search, or seize any person, place, or thing, and no search warrant may be issued solely on the basis of the odor of marijuana, and no evidence collected on such basis shall be admissible in court.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: The Department of State Police does not anticipate a fiscal impact on agency operations as a result of the provisions of this proposed legislation. Any potential fiscal impact on local law enforcement agencies is indeterminate at this time.

9. Specific Agency or Political Subdivisions Affected: Department of State Police, local law enforcement agencies, Courts

10. Technical Amendment Necessary: No.

11. Other Comments: None.