

2015 Regular Session

HOUSE BILL NO. 33

BY REPRESENTATIVES BERTHELOT, ADAMS, BILLIOT, HENRY BURNS,
CARTER, LEOPOLD, POPE, PUGH, AND SCHEXNAYDER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENVIRONMENT/LITTERING: Provides with respect to fines for the offense of littering

1 AN ACT

2 To amend and reenact R.S. 30:2531(A)(2) and (B)(2), 2531.1(D)(1), (2), and (3),
3 2531.3(F)(1)(b), and 2532(A), relative to littering; to provide for criminal and civil
4 penalties; to provide for the collection and distribution of littering fines; to provide
5 for distribution of funds to certain retirement systems of law enforcement agencies;
6 to provide for the use of funds by certain retirement systems; and to provide for
7 related matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article X, Section 29(C) of the Constitution
10 of Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 30:2531(A)(2) and (B)(2), 2531.1(D)(1), (2), and (3),
13 2531.3(F)(1)(b), and 2532(A) are hereby amended and reenacted to read as follows:

14 §2531. Intentional littering prohibited; criminal penalties; simple littering
15 prohibited; civil penalties; special court costs

16 A.

17 * * *

1 (2) Whoever violates the provisions of this Subsection shall:

2 (a) Upon first conviction, be fined ~~two~~ five hundred ~~fifty~~ dollars and
3 sentenced to serve eight hours of community service in a litter abatement work
4 program as approved by the court.

5 (b) Upon second conviction, be fined ~~five hundred~~ one thousand dollars and
6 sentenced to serve sixteen hours of community service in a litter abatement work
7 program as approved by the court.

8 (c) Upon third or subsequent conviction, be fined ~~one~~ two thousand ~~two~~ five
9 hundred ~~fifty~~ dollars, have his motor vehicle driver's license suspended for one year,
10 and be sentenced to serve eighty hours of community service in a litter abatement
11 work program as approved by the court, or all or any combination of the penalties
12 provided by this Subparagraph.

13 B.

14 * * *

15 (2) Persons found liable under the provisions of this Subsection shall be
16 assessed the following civil penalties and costs:

17 (a) For a first violation, such person shall either be fined ~~seventy-five~~ one
18 hundred fifty dollars or given the option to perform eight hours of community
19 service in a litter abatement work program in lieu of the assessed ~~seventy-five~~ one
20 hundred fifty dollar fine.

21 (b) For a second and each subsequent violation, such person shall either be
22 fined ~~five hundred~~ one thousand dollars or be given the option to perform sixteen
23 hours of community service in a litter abatement work program in lieu of the ~~five~~
24 hundred one thousand dollar fine.

25 * * *

26 §2531.1. Gross littering prohibited; criminal penalties; indemnification

27 * * *

28 D.(1) Whoever violates the provisions of this Section shall, upon first
29 conviction, be fined not less than ~~five hundred~~ one thousand dollars nor more than

1 ~~one~~ two thousand dollars and sentenced to serve eight hours of community service
2 in a litter abatement work program as approved by the court.

3 (2) Upon second conviction, an offender shall be fined not less than ~~one~~ two
4 thousand dollars nor more than ~~two~~ five thousand ~~five hundred~~ dollars and sentenced
5 to serve twenty-four hours of community service in a litter abatement work program
6 as approved by the court.

7 (3) Upon third or subsequent conviction, an offender shall be fined not less
8 than ~~one~~ three thousand ~~five hundred~~ dollars nor more than ~~five~~ ten thousand dollars,
9 have his motor vehicle driver's license suspended for one year, be imprisoned for not
10 more than thirty days, or sentenced to serve not less than forty-eight and not more
11 than one hundred hours in a litter abatement work program as approved by the court,
12 or all or any combination of the aforementioned penalties.

13 * * *

14 §2531.3. Commercial littering prohibited; civil penalties; indemnification; special
15 court costs

16 * * *

17 F. Any person found liable under the provisions of this Section shall:

18 (1)

19 * * *

20 (b) For any other violation, pay a civil penalty of ~~one~~ two hundred dollars.

21 * * *

22 §2532. Collection and distribution of fines; litter abatement and education account

23 A. All fines collected under the provisions of this Part shall be payable as
24 follows:

25 (1) ~~Fifty~~ Twenty-five percent shall be paid to the law enforcement agency
26 issuing the citation.

27 (2)(a) Fifty percent shall be paid to the law enforcement agency issuing the
28 citation that shall transfer the funds to the retirement system of such law enforcement
29 agency prior to the close of the fiscal year in which the fine was collected. The funds

1 shall be applied to the oldest outstanding positive amortization base of the retirement
2 system without reamortization of such base until all such bases are liquidated.

3 (b) Upon liquidation of all positive amortization bases for the applicable
4 retirement system, the amount remitted shall be added to the general funds of the
5 retirement system until a new positive amortization base is created. Upon creation
6 of a new positive amortization base, the fines collection shall be distributed in the
7 manner prescribed in Subparagraph (a) of this Paragraph.

8 ~~(2)~~ (3)(a) ~~Thirty~~ Fifteen percent shall be paid to the sheriff of the parish, the
9 parish governing authority, or the municipality where the violation occurred if a
10 community service litter abatement program has been established pursuant to R.S.
11 30:2531.4.

12 (b) When the law is enforced by a justice of the peace court, then ~~thirty~~
13 fifteen percent shall be paid to the parish governing authority for reimbursement of
14 expenses of the justice of the peace court.

15 ~~(3)~~ ~~Ten~~ (4) Five percent shall be paid to the office of the district attorney of
16 the judicial district where the violations occurred, or if prosecuted in a justice of the
17 peace court or a city court, then to the parish governing authority for reimbursement
18 of expenses of the constable or to the municipality, as the case may be.

19 ~~(4)~~ (5) The remainder shall be paid to the state treasury for credit to the litter
20 abatement and education account.

21 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 33 Engrossed 2015 Regular Session Berthelot

Abstract: Increases fines for litter violations and applies the increases to the unfunded accrued liability of the retirement system of the law enforcement agency issuing the citation.

Present law creates and defines four types of littering as follows:

- (1) Intentional littering prohibits intentional disposal of litter on public or private property or the waters of the state. Violations impose criminal penalties.
- (2) Simple littering prohibits the disposal of litter and allowing the disposal of litter on public or private property or on waters of the state. Violations impose civil penalties.
- (3) Gross littering prohibits the intentional disposal of large items of litter such as furniture, appliances, auto parts, tires, equipment, building materials, roofing nails, bags or boxes of household or office garbage on public or private property or on waters of the state.
- (4) Commercial littering prohibits the disposal of litter from industrial, commercial, mining, or agricultural operations on public or private property or waters of the state.

Proposed law increases fines for litter violations as follows:

	1st Offense	2nd Offense	3rd and Subsequent
Current Intentional Littering	\$250	\$500	\$1,250
Proposed Intentional Littering	\$500	\$1,000	\$2,500
Current Simple Littering	\$75	\$500 (and Sub.)	N/A
Proposed Simple Littering	\$150	\$1,000 (and Sub.)	N/A
Current Gross Littering	\$500 - \$1,000	\$1,000 - \$2,500	\$1,500 - \$5,000
Proposed Gross Littering	\$1,000 - \$2,000	\$2,000 - \$5,000	\$3,000 - 10,000
Current Commercial Littering	\$100	N/A	N/A
Proposed Commercial Littering	\$200	N/A	N/A

Present law provides for nonpecuniary penalties for litter violations in the form of community service in a litter abatement program. In the case of a third and subsequent violation of intentional and gross littering, nonpecuniary penalties include suspension of driver's licenses and for gross litter, up to 30 days imprisonment. Present law retains proposed law.

Present law provides for the distribution of money collected from fines for litter violations as follows:

- (1) 50% to the law enforcement agency issuing the citation.
- (2) 30% to the sheriff, parish governing authority, or municipality in which the violation occurred if they have established a litter abatement work program; or 30% to the parish governing authority to reimburse expenses of the justice of the peace court when enforced by that court.
- (3) 10% to the office of the prosecuting officer in the court that has jurisdiction where the violation occurred, 10% to the parish governing authority to reimburse expenses of the constable when enforced by that court.

(4) 10% to the state treasury for credit to the Keep Louisiana Beautiful Fund.

Proposed law modifies the distribution proportions to the current payees in present law and distributes the increase in fines to the retirement system of the law enforcement agency issuing the litter citation to be applied to the oldest outstanding positive amortization base of that system. Upon liquidation of the positive amortization base, the funds are paid to the general fund of the system until the creation of a new amortization base.

(Amends R.S. 30:2531(A)(2) and (B)(2), 2531.1(D)(1), (2), and (3), 2531.3(F)(1)(b), and 2532(A))