

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 33

2015 Regular Session

Berthelot

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

Synopsis of Senate Amendments	
1.	Changes the proposed fine increase for second offense intentional littering <u>from</u> \$1,000 <u>to</u> not less than \$500 nor more than \$1,000.
2.	Changes the proposed fine increase for third and subsequent offense intentional littering <u>from</u> \$2,500 <u>to</u> not less than \$1,500 nor more than \$2,500.
3.	Changes the proposed civil fine increase for second and subsequent offense simple littering <u>from</u> \$1,000 <u>to</u> not less than \$500 nor more than \$1,000.
4.	Changes the distribution of money collected for litter violations by decreasing the percentage to the sheriff, parish governing authority, or municipality in which the violation occurred if they have established a litter abatement work program <u>from</u> 15% <u>to</u> 10%.
5.	Distributes 5% of the money collected for litter violations to the office of the public defender of the judicial district where the violation occurred.
6.	Makes technical changes.

Digest of Bill as Finally Passed by Senate

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	\$500 - \$1,000	\$1,500 - \$2,500
Current Simple Littering	\$75	\$500 (and Sub.)	N/A

Proposed Simple Littering	\$150	\$500 - \$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 as follows:

- (1) 25% to the law enforcement agency issuing the citation.
- (2) 50% to the retirement system of the law enforcement agency issuing the litter citation.
- (3) 10% 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.
- (4) 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.
- (5) 5% to the office of the public defender of the judicial district where the violations occurred.
- (6) 10% to the state treasury for credit to the Keep Louisiana Beautiful Fund.

Proposed law provides that the distribution to the retirement system of the law enforcement agency issuing the litter citation is 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); Adds R.S. 30:2532(A)(6))