

2022 Regular Session

HOUSE BILL NO. 750

BY REPRESENTATIVE BISHOP

ENVIRONMENT/LITTERING: Provides for the prosecution of certain littering violations by the Department of Wildlife and Fisheries

1 AN ACT

2 To amend and reenact R.S. 30:2531(C), 2531.3(G), 2531.5(B) and (D), and 2532(A) and
3 R.S. 56:32.1(A) and (B), relative to fines and court costs for littering violations; to
4 provide for the prosecution of civil littering violations cited by the Department of
5 Wildlife and Fisheries; to specify civil procedure for simple and commercial littering
6 violations; to provide for special court costs for littering violations; to provide for the
7 distribution of littering fines and special court costs; to authorize civil actions and
8 adjudicatory hearings for littering violations prosecuted by the Department of
9 Wildlife and Fisheries; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 30:2531(C), 2531.3(G), 2531.5(B) and (D), and 2532(A) are hereby
12 amended and reenacted to read as follows:

13 §2531. Intentional littering prohibited; criminal penalties; simple littering
14 prohibited; civil penalties; special court costs

15 * * *

16 C. Whoever violates the provisions of this Section shall pay special court
17 costs of one hundred dollars in lieu of other costs of court and the special court costs
18 shall be disbursed as follows:

19 (1) For simple littering violations cited and prosecuted by the Department
20 of Wildlife and Fisheries:

1 enforcement agency prior to the close of the fiscal year in which the fine was
2 collected. The funds shall be applied to the oldest outstanding positive amortization
3 base of the retirement system without reamortization of such base until all such bases
4 are liquidated.

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

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

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

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

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

22 * * *

23 Section 2. R.S. 56:32.1(A) and (B) are hereby amended and reenacted to read as
24 follows:

25 §32.1. Civil suit for recovery of value

26 A. The department is authorized to bring a civil action to recover the
27 penalties established by R.S. 56:31 and 32 and R.S. 30:2531(B) and 2531.3.

28 B. The department may elect to enforce the provisions of R.S. 56:31 and 32
29 and R.S. 30:2531(B) and 2531.3 by adjudicatory hearing held in accordance with the

Proposed law retains present law, but removes civil fines collected from littering violations cited and prosecuted by the Dept. of Wildlife and Fisheries from the distribution provided present law and directs these fines to the Conservation Fund instead.

Present law authorizes the Dept. of Wildlife and Fisheries to enforce and recover penalties for certain wildlife violations through civil actions or administrative hearings.

Proposed law retains present law and adds simple and commercial littering violations to those which the department may try by civil action or administrative hearing for the recovery of penalties.

(Amends R.S. 30:2531(C), 2531.3(G), 2531.5(B) and (D), and 2532(A) and R.S. 56:32.1(A) and (B))