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## DIGEST

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HB 750 Engrossed

2022 Regular Session

Bishop

**Abstract:** Authorizes the Dept. of Wildlife and Fisheries to prosecute simple and commercial littering violations through civil action or adjudicatory hearing and redistributes the fines and special court costs paid for littering violations cited and prosecuted by the department.

Present law imposes special court costs in lieu of any other court costs for intentional and simple littering violations and requires that the costs paid be distributed between the court, the prosecuting attorney, law enforcement agencies, and the Litter Abatement and Education Account.

Proposed law retains present law special court costs, but provides that for simple littering violations issued by Dept. of Wildlife and Fisheries agents and prosecuted by the department, the costs paid will be distributed between the department and the Litter Abatement and Education Account only.

Present law imposes special court costs in lieu of any other court costs for commercial littering violations and specifies how those costs are distributed among the courts and prosecuting attorneys involved.

Proposed law retains the special court costs in present law, but exempts commercial littering violations prosecuted by the Dept. of Wildlife and Fisheries from the payment of these special court costs and specifies the imposition of ordinary costs and fees for department civil actions and adjudicatory hearings.

Present law specifies that civil littering violations will be prosecuted by certain prosecuting attorneys for district, municipal, and justice of the peace courts.

Proposed law retains present law and adds the prosecuting attorney for the Dept. of Wildlife and Fisheries to the list of prosecutors.

Present law requires that all actions for simple and commercial littering violations be tried by summary proceedings in court.

Proposed law provides an exception to present law for cases prosecuted by the department under the Dept.'s specific provisions for civil actions and adjudicatory hearings.

Present law specifies how all civil fines collected from littering violations will be distributed among law enforcement agencies, law enforcement retirement systems, local government entities, certain courts and prosecutors, and the litter abatement and education account.

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))