

RÉSUMÉ DIGEST

ACT 17 (HB 750)

2022 Regular Session

Bishop

Existing law authorizes agents of the Dept. of Wildlife and Fisheries to issue citations for littering violations.

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

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

Existing law imposes fines and court costs for simple littering and commercial littering.

Existing 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.

New law retains existing 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.

Existing 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.

New law retains the special court costs in existing 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.

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

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

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

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

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

New law modified prior law, but removed civil fines collected from littering violations cited and prosecuted by the Dept. of Wildlife and Fisheries from the distribution provided under existing law and directs these fines to the Conservation Fund instead.

Effective August 1, 2020.

(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))