

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) 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))