

2015 Regular Session

HOUSE BILL NO. 33

BY REPRESENTATIVES BERTHELOT, ADAMS, BILLIOT, HENRY BURNS,
CARTER, LEOPOLD, POPE, PUGH, AND SCHEXNAYDER

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 * * *

18 (2) Whoever violates the provisions of this Subsection shall:

19 (a) Upon first conviction, be fined ~~two~~ five hundred ~~fifty~~ dollars and
20 sentenced to serve eight hours of community service in a litter abatement work
21 program as approved by the court.

1 (b) Upon second conviction, be fined ~~five hundred~~ one thousand dollars and
2 sentenced to serve sixteen hours of community service in a litter abatement work
3 program as approved by the court.

4 (c) Upon third or subsequent conviction, be fined ~~one two thousand two five~~
5 hundred fifty dollars, have his motor vehicle driver's license suspended for one year,
6 and be sentenced to serve eighty hours of community service in a litter abatement
7 work program as approved by the court, or all or any combination of the penalties
8 provided by this Subparagraph.

9 B.

10 * * *

11 (2) Persons found liable under the provisions of this Subsection shall be
12 assessed the following civil penalties and costs:

13 (a) For a first violation, such person shall either be fined ~~seventy-five one~~
14 hundred fifty dollars or given the option to perform eight hours of community
15 service in a litter abatement work program in lieu of the assessed ~~seventy-five one~~
16 hundred fifty dollar fine.

17 (b) For a second and each subsequent violation, such person shall either be
18 fined ~~five hundred~~ one thousand dollars or be given the option to perform sixteen
19 hours of community service in a litter abatement work program in lieu of the ~~five~~
20 hundred one thousand dollar fine.

21 * * *

22 §2531.1. Gross littering prohibited; criminal penalties; indemnification

23 * * *

24 D.(1) Whoever violates the provisions of this Section shall, upon first
25 conviction, be fined not less than ~~five hundred~~ one thousand dollars nor more than
26 ~~one two~~ thousand dollars and sentenced to serve eight hours of community service
27 in a litter abatement work program as approved by the court.

28 (2) Upon second conviction, an offender shall be fined not less than ~~one two~~
29 thousand dollars nor more than ~~two five~~ thousand ~~five hundred~~ dollars and sentenced

1 to serve twenty-four hours of community service in a litter abatement work program
2 as approved by the court.

3 (3) Upon third or subsequent conviction, an offender shall be fined not less
4 than ~~one~~ three thousand ~~five hundred~~ dollars nor more than ~~five~~ ten thousand dollars,
5 have his motor vehicle driver's license suspended for one year, be imprisoned for not
6 more than thirty days, or sentenced to serve not less than forty-eight and not more
7 than one hundred hours in a litter abatement work program as approved by the court,
8 or all or any combination of the aforementioned penalties.

9 * * *

10 §2531.3. Commercial littering prohibited; civil penalties; indemnification; special
11 court costs

12 * * *

13 F. Any person found liable under the provisions of this Section shall:

14 (1)

15 * * *

16 (b) For any other violation, pay a civil penalty of ~~one~~ two hundred dollars.

17 * * *

18 §2532. Collection and distribution of fines; litter abatement and education account

19 A. All fines collected under the provisions of this Part shall be payable as
20 follows:

21 (1) ~~Fifty~~ Twenty-five percent shall be paid to the law enforcement agency
22 issuing the citation.

23 (2)(a) Fifty percent shall be paid to the law enforcement agency issuing the
24 citation that shall transfer the funds to the retirement system of such law enforcement
25 agency prior to the close of the fiscal year in which the fine was collected. The funds
26 shall be applied to the oldest outstanding positive amortization base of the retirement
27 system without reamortization of such base until all such bases are liquidated.

28 (b) Upon liquidation of all positive amortization bases for the applicable
29 retirement system, the amount remitted shall be added to the general funds of the
30 retirement system until a new positive amortization base is created. Upon creation

1 of a new positive amortization base, the fines collection shall be distributed in the
2 manner prescribed in Subparagraph (a) of this Paragraph.

3 ~~(2)~~ (3)(a) ~~Thirty~~ Fifteen percent shall be paid to the sheriff of the parish, the
4 parish governing authority, or the municipality where the violation occurred if a
5 community service litter abatement program has been established pursuant to R.S.
6 30:2531.4.

7 (b) When the law is enforced by a justice of the peace court, then ~~thirty~~
8 fifteen percent shall be paid to the parish governing authority for reimbursement of
9 expenses of the justice of the peace court.

10 ~~(3)~~ (4) ~~Ten~~ Five percent shall be paid to the office of the district attorney of
11 the judicial district where the violations occurred, or if prosecuted in a justice of the
12 peace court or a city court, then to the parish governing authority for reimbursement
13 of expenses of the constable or to the municipality, as the case may be.

14 ~~(4)~~ (5) The remainder shall be paid to the state treasury for credit to the litter
15 abatement and education account.

16 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____