

## RÉSUMÉ DIGEST

ACT 368 (HB 33)

2015 Regular Session

Berthelot

New law increases fines for litter violations and applies the increases to the unfunded accrued liability of the retirement system of the law enforcement agency issuing the citation.

Existing law creates and defines four types of littering as follows:

- (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, or 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.

New law increases fines for litter violations as follows:

	1st Offense	2nd Offense	3rd and Subsequent
Prior Intentional Littering	\$250	\$500	\$1,250
New Intentional Littering	\$500	\$1,000	\$2,500
Prior Simple Littering	\$75	\$500 (and Sub.)	N/A
New Simple Littering	\$150	\$1,000 (and Sub.)	N/A
Prior Gross Littering	\$500 - \$1,000	\$1,000 - \$2,500	\$1,500 - \$5,000
New Gross Littering	\$1,000 - \$2,000	\$2,000 - \$5,000	\$3,000 - 10,000
Prior Commercial Littering	\$100	N/A	N/A
New Commercial Littering	\$200	N/A	N/A

Existing 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.

Prior law provided 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 or, depending on where the offense was prosecuted, 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.

New law modifies the distribution proportions to the current payees in prior 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.

Effective Aug. 1, 2015.

(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))