

Regular Session, 2011

SENATE BILL NO. 247

BY SENATOR WILLARD-LEWIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides for legislation relative to creating the crime of "illegal disposal of waste." (8/15/11)

1 AN ACT

2 To enact Section 6 of Subpart A of Part VI of Title 14 of the Louisiana Revised Statutes of

3 1950, to be comprised of R.S. 14:100.21, relative to offenses affecting the public

4 safety; to create the crime of illegal disposal of waste; to provide for definitions; to

5 provide for penalties; to provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Section 6 of Subpart A of Part VI of Title 14 of the Louisiana Revised

8 Statutes of 1950, to be comprised of R.S. 14:100.21 is hereby enacted to read as follows:

9 **6. ILLEGAL DISPOSAL OF WASTE**

10 **§100.21. Illegal disposal of waste**

11 **A. As used in this Section the following terms shall have the following**

12 **meanings unless the context of use clearly indicates otherwise:**

13 **(1) "Disposal" means the discharge, deposit, injection, dumping,**

14 **spilling, leaking, or placing of any hazardous waste into or on any land or water**

15 **so that the waste, or any constituent thereof, may enter the environment or be**

16 **emitted into the air or discharged into any waters, including ground waters.**

17 **(2) "Hazardous waste" means any waste, or combination of wastes,**

1 which because of its quantity, concentration, physical, or chemical  
2 characteristics may cause or significantly contribute to an increase in mortality  
3 or an increase in serious irreversible or incapacitating reversible illness, or pose  
4 a substantial present or potential hazard to human health or the environment  
5 when improperly treated, stored, transported, disposed of, or otherwise  
6 managed. The definition shall be applied only to those wastes identified and  
7 designated as waste by the Department of Environmental Quality, consistent  
8 with applicable federal laws and regulations.

9 (3) "Waste" means any garbage, refuse, sludge from a waste treatment  
10 plant, water supply treatment plant, or air pollution control facility, and other  
11 discarded material, including solid, liquid, semisolid, or contained gaseous  
12 material resulting from industrial, commercial, mining, or agricultural  
13 operations, and from community activities, but does not include solid or  
14 dissolved material in domestic sewage, or solid or dissolved materials in  
15 irrigation return flows or industrial discharges which are point sources subject  
16 to permits issued under R.S. 30:2071, et seq., or source material, special nuclear  
17 material, or byproduct material as defined in R.S. 30:2103.

18 B. The illegal disposal of waste is the intentional disposal, discharge,  
19 deposit, injection, dumping, spilling or placing of any waste into or on any land  
20 or water so that the waste, or any constituent thereof, may enter the  
21 environment or be emitted into the air or discharged into any waters, including  
22 ground water.

23 C. (1) Whoever commits the crime of illegal disposal of waste, when the  
24 waste is non-hazardous, shall be imprisoned, with or without hard labor, for not  
25 more than three years, or may be fined not less than one thousand dollars nor  
26 more than ten thousand dollars, or both.

27 (2) Whoever commits the crime of illegal disposal of waste, when the  
28 waste is hazardous, shall be imprisoned, with or without hard labor, for not  
29 more than ten years, or may be fined not less than ten thousand dollars nor

1           **more than twenty-five thousand dollars, or both.**

2                   **D. (1) Any offender placed on probation for a violation of this Section**  
3           **shall be required as a condition of probation to perform thirty eight-hour days**  
4           **of court approved community service activities, at least half of which shall**  
5           **consists of participation in a litter abatement or collection program.**

6                   **(2) In addition, the court shall order that the vehicle being driven by the**  
7           **offender at the time of the offense shall be seized and impounded, and sold at**  
8           **auction in the same manner and under the same conditions as executions of writ**  
9           **of seizures and sale as provided in Book V, Title II, Chapter 4 of the Code of**  
10           **Civil Procedure.**

---

The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Michael Bell.

---

#### DIGEST

Proposed law creates the crime of illegal disposal of waste as the intentional disposal, discharge, deposit, injection, dumping, spilling or placing of any waste into or on any land or water so that such waste, or any constituent thereof, may enter the environment or be emitted into the air or discharged into any waters, including ground water.

Defines "disposal", "hazardous waste" and "waste" for purposes of proposed law.

Proposed law that whoever commits the crime of illegal disposal of waste be imprisoned, with or without hard labor, for not more than three years, or may be fined not less than \$1,000 nor more than \$10,000, or both when the waste is non-hazardous.

Proposed law further provides that whoever commits the crime of illegal disposal of waste, when the waste is hazardous, will be imprisoned, with or without hard labor, for not more than 10 years, or may be fined not less than \$10,000 nor more than \$25,000 or both.

Requires an offender who is placed on probation for violation of proposed law to serve 30 eight-hour days of community service and provides for seizure and sale of the vehicle used in the violation.

Effective August 15, 2011.

(Adds R.S. 14:100.21)