2017 Regular Session

HOUSE BILL NO. 77

BY REPRESENTATIVE BERTHELOT

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

ENVIRONMENT/LITTERING: Provides with respect to penalties for the offense of littering

1	AN ACT			
2	To amend and reenact R.S. 30:2531(A)(2)(b) and (B)(2)(b) and 2531.1(D)(1), relative to			
3	littering; to provide for criminal and civil penalties; to provide for community			
4	service; and to provide for related matters.			
5	Be it enacted by the Legislature of Louisiana:			
6	Section 1. R.S. 30:2531(A)(2)(b) and (B)(2)(b) and 2531.1(D)(1) are hereby			
7	amended and reenacted to read as follows:			
8	§2531. Intentional littering prohibited; criminal penalties; simple littering			
9	prohibited; civil penalties; special court costs			
10	А.			
11	* * *			
12	(2) Whoever violates the provisions of this Subsection shall:			
13	* * *			
14	(b) Upon second conviction, be fined one thousand nine hundred dollars and			
15	sentenced to serve sixteen twenty hours of community service in a litter abatement			
16	work program as approved by the court.			
17	* * *			
18	В.			
19	* * *			

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(2) Persons found liable under the provisions of this Subsection shall be
2	assessed the following civil penalties and costs:
3	* * *
4	(b) For a second and each subsequent violation, such person shall either be
5	fined one thousand nine hundred dollars or be given the option to perform sixteen
6	twenty hours of community service in a litter abatement work program in lieu of the
7	one thousand nine hundred dollar fine.
8	* * *
9	§2531.1. Gross littering prohibited; criminal penalties; indemnification
10	* * *
11	D.(1) Whoever violates the provisions of this Section shall, upon first
12	conviction, be fined not less than one thousand dollars nor more than two thousand
13	nine hundred dollars and sentenced to serve eight sixteen hours of community
14	service in a litter abatement work program as approved by the court.
15	* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 77 Original	2017 Regular Session	Berthelot
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Abstract: Increases the community service for certain littering offenses and decreases fines for those same offenses.

<u>Present law</u> 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.

	1st Offense	2nd Offense	3rd and Subsequent
Present Intentional Littering	\$500	\$1,000	\$2,500
Proposed Intentional Littering	\$500	\$900*	\$2,500
Present Simple Littering	\$150	\$1,000 (and Sub.)	N/A
Proposed Simple Littering	\$150	\$900 (and Sub.)*	N/A
Present Gross Littering	\$1,000 - \$2,000	\$2,000 - \$5,000	\$3,000 - 10,000
Proposed Gross Littering	\$900*	\$2,000 - \$5,000	\$3,000 - 10,000

Proposed law changes fines for intentional, simple, and gross littering violations as follows:

* Indicates change in fine.

<u>Present law</u> 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.

<u>Proposed law</u> changes community service for intentional, simple, and gross littering violations as follows:

	1st Offense	2nd Offense	3rd and Subsequent
Prior Intentional Littering	8 hrs	16 hrs	80 hrs
New Intentional Littering	8 hrs	20 hrs*	80 hrs
Prior Simple Littering	8 hrs	16 hrs	N/A
New Simple Littering	8 hrs	20 hrs*	N/A
Prior Gross Littering	8 hrs	24 hrs	48 hrs
New Gross Littering	16 hrs*	24 hrs	48 hrs

* Indicates change in time.

(Amends R.S. 30:2531(A)(2)(b) and (B)(2)(b) and 2531.1(D)(1))