

2017 Regular Session

HOUSE BILL NO. 77

BY REPRESENTATIVES BERTHELOT AND BISHOP

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 A.

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 B.

19 \* \* \*

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 Engrossed

2017 Regular Session

Berthelot

**Abstract:** Increases the community service for certain littering offenses and decreases fines for those same offenses.

Present 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.

Present law provides for fines and 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.

Proposed law changes the fines for second offense intentional littering and second offense simple littering from \$1,000 to \$900 and increases the community service for those offenses from 16 hours to 20 hours.

Proposed law changes the fine for first offense gross littering from a range of \$1,000 to \$2,000 to \$900 and increases the community service from 8 hours to 16 hours.

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