

ACT No. 17

2022 Regular Session

HOUSE BILL NO. 750

BY REPRESENTATIVE BISHOP

1 AN ACT

2 To amend and reenact R.S. 30:2531(C), 2531.3(G), 2531.5(B) and (D), and 2532(A) and
3 R.S. 56:32.1(A) and (B), relative to fines and court costs for littering violations; to
4 provide for the prosecution of civil littering violations cited by the Department of
5 Wildlife and Fisheries; to specify civil procedure for simple and commercial littering
6 violations; to provide for special court costs for littering violations; to provide for the
7 distribution of littering fines and special court costs; to authorize civil actions and
8 adjudicatory hearings for littering violations prosecuted by the Department of
9 Wildlife and Fisheries; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 30:2531(C), 2531.3(G), 2531.5(B) and (D), and 2532(A) are hereby
12 amended and reenacted to read as follows:

13 §2531. Intentional littering prohibited; criminal penalties; simple littering
14 prohibited; civil penalties; special court costs

15 * * *

16 C. Whoever violates the provisions of this Section shall pay special court
17 costs of one hundred dollars in lieu of other costs of court and the special court costs
18 shall be disbursed as follows:

19 (1) For simple littering violations cited and prosecuted by the Department
20 of Wildlife and Fisheries:

1 of Wildlife and Fisheries shall be subject to court costs and fees as provided pursuant
2 to R.S. 56:32.1 rather than pay the special court costs provided for in this Subsection.

3 * * *

4 §2531.5. Legal enforcement; penalties; payment by mail or credit card

5 * * *

6 B. Civil violations under the provisions of this Part shall be prosecuted by
7 the district attorney of the judicial district in which the violation occurred, the
8 prosecuting attorney for a municipality having a city court within the municipality
9 in which the violation occurred, ~~or~~ the constable, if filed in justice of the peace court,
10 or the prosecuting attorney for the Department of Wildlife and Fisheries for citations
11 issued by that department.

12 * * *

13 D. An action brought pursuant to R.S. 30:2531(B) or 2531.3 shall be tried
14 as a summary proceeding pursuant to Code of Civil Procedure Article 2591 et seq.,
15 except that such actions prosecuted by the Department of Wildlife and Fisheries may
16 be tried in accordance with R.S. 56:32.1.

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) Civil fines recovered by the Department of Wildlife and Fisheries for
22 citations issued by that department shall be deposited into the Conservation Fund.

23 (2) For all other fines:

24 (a) Twenty-five percent shall be paid to the law enforcement agency issuing
25 the citation.

26 ~~(2)(a)(b)(i)~~ Fifty percent shall be paid to the law enforcement agency issuing
27 the citation that shall transfer the funds to the retirement system of such law
28 enforcement agency prior to the close of the fiscal year in which the fine was
29 collected. The funds shall be applied to the oldest outstanding positive amortization

1 base of the retirement system without reamortization of such base until all such bases
2 are liquidated.

3 ~~(b)~~(ii) Upon liquidation of all positive amortization bases for the applicable
4 retirement system, the amount remitted shall be added to the general funds of the
5 retirement system until a new positive amortization base is created. Upon creation
6 of a new positive amortization base, the fines collection shall be distributed in the
7 manner prescribed in Subparagraph (a) of this Paragraph.

8 ~~(3)~~~~(a)~~~~(c)~~(i) Fifteen percent shall be paid to the sheriff of the parish, the parish
9 governing authority, or the municipality where the violation occurred if a community
10 service litter abatement program has been established pursuant to R.S. 30:2531.4.

11 ~~(b)~~(ii) When the law is enforced by a justice of the peace court, then fifteen
12 percent shall be paid to the parish governing authority for reimbursement of expenses
13 of the justice of the peace court.

14 ~~(4)~~(d) Five percent shall be paid to the office of the district attorney of the
15 judicial district where the violations occurred, or if prosecuted in a justice of the
16 peace court or a city court, then to the parish governing authority for reimbursement
17 of expenses of the constable or to the municipality, as the case may be.

18 ~~(5)~~(e) The remainder shall be paid to the state treasury for credit to the litter
19 abatement and education account.

20 * * *

21 Section 2. R.S. 56:32.1(A) and (B) are hereby amended and reenacted to read as
22 follows:

23 §32.1. Civil suit for recovery of value

24 A. The department is authorized to bring a civil action to recover the
25 penalties established by R.S. 56:31 and 32 and R.S. 30:2531(B) and 2531.3.

26 B. The department may elect to enforce the provisions of R.S. 56:31 and 32
27 and R.S. 30:2531(B) and 2531.3 by adjudicatory hearing held in accordance with the
28 provisions of the Administrative Procedure Act. The department shall hold the
29 adjudicatory hearing in the regional office for the parish where the defendant is

