MISSISSIPPI LEGISLATURE REGULAR SESSION 2004

By: Senator(s) Dearing, Dawkins, Jackson (11th), Jackson (32nd), Lee (47th)

To: Judiciary, Division B

SENATE BILL NO. 2207

AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS CONVICTED OF LITTERING OR UNLAWFULLY DISCARDING SOLID WASTE, IN ADDITION TO ANY FINE THAT MAY BE IMPOSED, SHALL BE REQUIRED TO PERFORM COMMUNITY SERVICE RELATING TO THE REMOVAL OF THE LITTER OR SOLID WASTE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-15-29, Mississippi Code of 1972, is amended as follows:

97-15-29. (1) (a) Anyone who shall put, throw, dump or leave on the roads and highways of this state, or within the limits of the rights-of-way of such roads and highways, or upon any private property, any cigarette, cigar stubs, or * * * other thing or substance likely to ignite the grass or underbrush on a road or highway, or any litter or solid waste, in addition to being civilly liable for all damages caused by such act shall, upon conviction, be guilty of a misdemeanor and punished as provided by subsection (3) of this section.

(b) Anyone who puts, throws or dumps on the roads or highways of this state, or within the limits of the rights-of-way of such roads or highways, or upon any private property without permission of the owner of such property, any dead wildlife, wildlife parts or waste, in addition to being civilly liable for all damages caused by such act, upon conviction, shall be guilty of a misdemeanor and punished as provided by subsection (3) of this section.

(2) The Department of Transportation is authorized to erect warning signs along the roads and highways of this state advising the public of the existence of this section and of the penalty for

the violation thereof and is further authorized to install receptacles at reasonable intervals along the roads and highways of this state to be used as containers for trash and rubbish and for the convenience of the public using such roads and highways.

(3) Any person found guilty of the violation of this section shall, upon conviction, be fined not less than Fifty Dollars ($50.00) nor more than Two Hundred Fifty Dollars ($250.00). The proceeds of such fines shall be expended by the collecting jurisdiction solely for the purpose of funding local litter prevention programs or projects or local or school litter education programs as recommended by the statewide litter prevention program of Keep Mississippi Beautiful, Inc.

(4) As a part of the fine imposed by subsection (3) above, a person convicted for an offense upon which fines are imposed by this section * * * shall be required to:

(a) Remove or render harmless, in accordance with written direction, as appropriate, from the Department of Environmental Quality or local law enforcement authorities, any unlawfully discarded solid waste;

(b) Repair or restore property damaged by, or pay damages for any damage arising out of any unlawfully discarded solid waste;

(c) Perform community public service relating to the removal of any unlawfully discarded solid waste or litter or to the restoration of any area polluted by unlawfully discarded solid waste or litter; and

(d) Pay all reasonable investigative and prosecutorial expenses and costs to the investigative and/or prosecutorial agency or agencies.

(5) Upon a second or subsequent conviction of an offense upon which fines are imposed by this section, the minimum and maximum fines shall be doubled.

(6) When any litter is thrown or discarded from a motor vehicle, the operator of the motor vehicle shall be deemed in violation of this section.

(7) Assessments collected under subsection (4) of Section 99-19-73 from persons convicted of a violation of this section shall be deposited to the credit of the Statewide Litter Prevention Fund created in Section 65-1-167.

(8) It shall be the duty of all law enforcement officers to enforce the provisions of this section.

(9) This section shall not prohibit the storage of ties and machinery by a railroad on its right-of-way where the highway right-of-way extends to within a few feet of the railroad roadbed.

SECTION 2. This act shall take effect and be in force from and after July 1, 2004.