

By: Senator(s) Dearing

To: Judiciary, Division B

SENATE BILL NO. 2196

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

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

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

10 97-15-29. (1) (a) Anyone who shall put, throw, dump or
11 leave on the roads and highways of this state, or within the
12 limits of the rights-of-way of such roads and highways, or upon
13 any private property, any cigarette, cigar stubs, or * * * other
14 thing or substance likely to ignite the grass or underbrush on a
15 road or highway, or any litter or solid waste, in addition to
16 being civilly liable for all damages caused by such act shall,
17 upon conviction, be guilty of a misdemeanor and punished as
18 provided by subsection (3) of this section.

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

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

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

34 (3) Any person found guilty of the violation of this section
35 shall, upon conviction, be fined not less than Fifty Dollars
36 (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). The
37 proceeds of such fines shall be expended by the collecting
38 jurisdiction solely for the purpose of funding local litter
39 prevention programs or projects or local or school litter
40 education programs as recommended by the statewide litter
41 prevention program of Keep Mississippi Beautiful, Inc.

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

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

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

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

56 (d) Pay all reasonable investigative and prosecutorial
57 expenses and costs to the investigative and * * * prosecutorial
58 agency or agencies.

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

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

65 (7) Assessments collected under subsection (4) of Section
66 99-19-73 from persons convicted of a violation of this section
67 shall be deposited to the credit of the Statewide Litter
68 Prevention Fund created in Section 65-1-167.

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

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

74 **SECTION 2.** This act shall take effect and be in force from
75 and after July 1, 2005.