

By: Senator(s) Lee (35th), Flowers,
Tollison, Albritton, Ross, Pickering, King,
Thames, Walley, Davis

To: Judiciary, Division B

SENATE BILL NO. 2677

1 AN ACT TO RECODIFY THE PROHIBITION ON THE DUMPING OF DEAD
2 WILDLIFE ON PUBLIC HIGHWAYS OR ROADS OR THE LANDS OF ANOTHER
3 WITHOUT PERMISSION AS SECTION 97-15-29.1, MISSISSIPPI CODE 1972,
4 TO INCREASE THE PENALTY FOR SUCH VIOLATIONS; TO AMEND SECTIONS
5 97-15-29 AND 49-1-44, MISSISSIPPI CODE OF 1972, TO CONFORM; AND
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following shall be codified as Section
9 97-15-29.1, Mississippi Code of 1972:

10 97-15-29.1 (1) Any person who puts, throws or dumps any
11 dead wildlife, wildlife parts or waste on the roads or highways of
12 this state, or within the limits of the rights-of-way of the roads
13 or highways, or upon any private property without permission of
14 the owner of the property, in addition to being civilly liable for
15 all damages caused by such act, upon conviction, is guilty of a
16 misdemeanor and shall be punished as provided by this section.

17 (2) Any person found guilty of violating this section shall
18 be fined Five Hundred Dollars (\$500.00). The proceeds of such
19 fines shall be expended by the collecting jurisdiction solely for
20 the purpose of funding local litter prevention programs or
21 projects or local or school litter education programs as
22 recommended by the statewide litter prevention program of Keep
23 Mississippi Beautiful, Inc.

24 (3) In addition to the fines imposed by this section, a
25 person may be required to perform the following:

26 (a) Repair or restore property damaged by, or pay
27 damages for any damage arising out of the unlawfully discarded
28 solid waste;

29 (b) Perform community public service relating to the
30 removal of any unlawfully discarded solid waste or to the
31 restoration of any area polluted by unlawfully discarded solid
32 waste; and

33 (c) Pay all reasonable investigative and prosecutorial
34 expenses and costs to the investigative and prosecutorial agency
35 or agencies.

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

38 **SECTION 2.** Section 97-15-29, Mississippi Code of 1972, is
39 amended as follows:

40 97-15-29 (1) * * * Anyone who shall put, throw, dump or
41 leave on the roads and highways of this state, or within the
42 limits of the rights-of-way of such roads and highways, or upon
43 any private property, any cigarette or cigar stubs, or any other
44 thing or substance likely to ignite the grass or underbrush on a
45 road or highway, in addition to being civilly liable for all
46 damages caused by such act shall, upon conviction, be guilty of a
47 misdemeanor and punished as provided by subsection (3) of this
48 section.

49 * * *

50 (2) The Department of Transportation is authorized to erect
51 warning signs along the roads and highways of this state advising
52 the public of the existence of this section and of the penalty for
53 the violation thereof and is further authorized to install
54 receptacles at reasonable intervals along the roads and highways
55 of this state to be used as containers for trash and rubbish and
56 for the convenience of the public using such roads and highways.

57 (3) Any person found guilty of the violation of this section
58 shall, upon conviction, be fined not less than Fifty Dollars
59 (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). The
60 proceeds of such fines shall be expended by the collecting
61 jurisdiction solely for the purpose of funding local litter

62 prevention programs or projects or local or school litter
63 education programs as recommended by the statewide litter
64 prevention program of Keep Mississippi Beautiful, Inc.

65 (4) As a part of the fine imposed by subsection (3) above, a
66 person convicted for an offense upon which fines are imposed by
67 this section may be required to perform the following, and a
68 person convicted for a second or subsequent offense upon which
69 fines are imposed by this section shall be required to:

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

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

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

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

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

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

90 (7) Assessments collected under subsection (4) of Section
91 99-19-73 from persons convicted of a violation of this section
92 shall be deposited to the credit of the Statewide Litter
93 Prevention Fund created in Section 65-1-167.

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

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

99 **SECTION 3.** Section 49-1-44, Mississippi Code of 1972, is
100 amended as follows:

101 49-1-44. In addition to the regulations of the commission
102 and the statutes relating to protection and preservation of
103 wildlife and the environment, conservation officers are hereby
104 authorized to assist in the detection and apprehension of
105 violators of the laws of this state which pertain to theft of
106 cattle, to enforce and apprehend violators of the laws of this
107 state which pertain to unauthorized dumping of garbage,
108 obstructing streams and littering, as set forth specifically in
109 Sections 97-15-13, 97-15-21, 97-15-23, 97-15-25, 97-15-27,
110 97-15-29, 97-15-29.1, 97-15-31, 97-15-39, 97-15-41, 97-15-43,
111 97-15-45, 97-17-53, 97-17-79, 97-17-81 and 97-17-83, but not
112 limited thereto, and in addition to any other powers and duties
113 otherwise delegated or assigned to conservation officers.

114 **SECTION 4.** This act shall take effect and be in force from
115 and after July 1, 2005.