

By: Representative Lane

To: Transportation

## HOUSE BILL NO. 82

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE FINES AND PENALTIES AUTHORIZED TO BE IMPOSED FOR  
3 LITTERING; TO REDISTRIBUTE A PORTION OF THE PROCEEDS FROM THE  
4 INCREASED FINES TO REIMBURSE COLLECTING JURISDICTIONS FOR THE COST  
5 OF REMOVING LITTER, TO SUPPORT LITTER PREVENTION EDUCATION  
6 PROGRAMS AND TO PROVIDE ADDITIONAL FUNDS FOR THE LAW ENFORCEMENT  
7 OFFICERS MONUMENT FUND; TO AMEND SECTION 39-5-71, MISSISSIPPI CODE  
8 OF 1972, TO PROVIDE THAT ANY MONIES REMAINING AT THE END OF A  
9 FISCAL YEAR UNEXPENDED OR UNENCUMBERED IN THE LAW ENFORCEMENT  
10 OFFICERS MONUMENT FUND IN EXCESS OF THE AMOUNT NECESSARY FOR  
11 CONSTRUCTION AND MAINTENANCE OF THE MONUMENT SHALL BE EXPENDED AND  
12 DISBURSED BY THE BOARD OF TRUSTEES OF INSTITUTIONS OF HIGHER  
13 LEARNING IN ADMINISTERING THE SCHOLARSHIP PROGRAM FOR CHILDREN OF  
14 DECEASED OR DISABLED LAW ENFORCEMENT OFFICERS OR FIREMEN; TO AMEND  
15 SECTION 37-107-1, MISSISSIPPI CODE OF 1972, TO INCLUDE THE COSTS  
16 OF BOOKS IN THE SCHOLARSHIP PROVIDED TO DEPENDENTS OF A  
17 MISSISSIPPI LAW ENFORCEMENT OFFICER, FULL-TIME FIRE FIGHTER OR  
18 VOLUNTEER FIRE FIGHTER WHO SUFFERS OR HAS SUFFERED FATAL INJURIES  
19 OR WOUNDS OR BECOME PERMANENTLY AND TOTALLY DISABLED AS A RESULT  
20 OF INJURIES OR WOUNDS WHICH OCCURRED IN THE PERFORMANCE OF  
21 OFFICIAL DUTIES; TO EXPAND THE USE OF SUCH FUNDS TO ALLOW SUCH A  
22 DEPENDENT TO ATTEND A PRIVATE COLLEGE, UNIVERSITY OR  
23 COMMUNITY/JUNIOR COLLEGE; TO PROVIDE THAT THE AMOUNT OF THE  
24 SCHOLARSHIP AWARDED FOR ATTENDANCE AT A PRIVATE COLLEGE,  
25 UNIVERSITY OR COMMUNITY/JUNIOR COLLEGE SHALL NOT EXCEED THE AMOUNT  
26 AWARDED FOR ATTENDANCE AT A STATE-SUPPORTED COLLEGE, UNIVERSITY OR  
27 COMMUNITY/JUNIOR COLLEGE; AND FOR RELATED PURPOSES.

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

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

31 97-15-29. (1) (a) Anyone who shall put, throw, dump or  
32 leave on the roads and highways of this state, or within the  
33 limits of the rights-of-way of such roads and highways, or upon  
34 any private property, any cigarette or cigar stubs, or any other  
35 thing or substance likely to ignite the grass or underbrush on a  
36 road or highway, in addition to being civilly liable for all  
37 damages caused by such act shall, upon conviction, be guilty of a  
38 misdemeanor and punished as provided by subsection (3) of this  
39 section.

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

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

55 (3) Any person found guilty of a first violation of this  
56 section shall, upon conviction, be fined Five Hundred Dollars  
57 (\$500.00). Any person convicted of a second or subsequent  
58 violation of this section, the offenses being committed within  
59 three (3) years, shall be fined One Thousand Dollars (\$1,000.00).  
60 Fifty percent (50%) of the proceeds of such fines shall be used to  
61 reimburse the collecting jurisdiction for the cost of removing  
62 litter and, if the proceeds exceed such reimbursement, the balance  
63 shall be used by the Mississippi Department of Transportation to  
64 fund statewide litter prevention television advertisements to  
65 inform and educate the public regarding litter prevention and the  
66 penalties for violating this section. Of the remaining fifty  
67 percent (50%) of the proceeds, twenty-five percent (25%) shall be  
68 used solely for the purpose of funding local litter prevention  
69 programs or projects or local or school litter education programs  
70 as recommended by the statewide litter prevention program of Keep  
71 Mississippi Beautiful, Inc., and twenty-five percent (25%) shall

72 be deposited into the Law Enforcement Officers Monument Fund  
73 created under Section 39-5-71(2).

74 (4) In addition to the fines imposed by subsection (3) of  
75 this section, a person convicted for a first violation of this  
76 section may be required \* \* \*, and a person convicted for a second  
77 or subsequent violation of this section, the offenses being  
78 committed within three (3) years, shall be required \* \* \*:

79 (a) To remove or render harmless, in accordance with  
80 written direction, as appropriate, from the Department of  
81 Environmental Quality or local law enforcement authorities, the  
82 unlawfully discarded solid waste;

83 (b) To repair or restore property damaged by, or pay  
84 damages for any damage arising out of the unlawfully discarded  
85 solid waste;

86 (c) To perform fifty (50) hours of community public  
87 service for a first violation of subsection (3) of this section,  
88 or one hundred (100) hours of community public service for a  
89 second or subsequent violation of subsection (3) of this section,  
90 relating to the removal of any unlawfully discarded solid waste or  
91 to the restoration of any area polluted by unlawfully discarded  
92 solid waste; and

93 (d) To pay all reasonable investigative and  
94 prosecutorial expenses and costs to the investigative and/or  
95 prosecutorial agency or agencies.

96 \* \* \*

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

100 (6) Assessments collected under subsection (4) of Section  
101 99-19-73 from persons convicted of a violation of this section  
102 shall be deposited to the credit of the Statewide Litter  
103 Prevention Fund created in Section 65-1-167.

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

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

109       **SECTION 2.** Section 39-5-71, Mississippi Code of 1972, is  
110 amended as follows:

111       39-5-71. (1) The Board on Law Enforcement Officer Standards  
112 and Training, in cooperation with the Department of Archives and  
113 History and the Bureau of Building, Grounds and Real Property  
114 Management, is hereby authorized, subject to funds being made  
115 available, to cause to be constructed and maintained on  
116 state-owned lands at some suitable and appropriate place in or  
117 near the City of Jackson, a monument containing the names and  
118 paying tribute to all state, county and municipal law enforcement  
119 officers who have given their lives in the performance of their  
120 official duties. This shall include any federal law enforcement  
121 officer employed and residing in Mississippi at the time of death.

122       It is the intent of the Legislature that adequate space be  
123 left on the monument to be available to add names of law  
124 enforcement officers in the future who give their lives in the  
125 performance of their official duties.

126       (2) The Board on Law Enforcement Officer Standards and  
127 Training is hereby authorized to accept gifts, grants and  
128 donations from individuals and organizations, to be deposited into  
129 the Law Enforcement Officers Monument Fund which is hereby created  
130 as a special fund in the State Treasury. The fund also shall  
131 consist of such monies as are directed to be deposited into the  
132 fund under Section 97-15-29(3). The State Treasurer shall invest  
133 all monies in the fund and any interest earned shall be deposited  
134 into the fund. All funds deposited into the fund, including  
135 interest earned thereon, shall be used for the purpose of  
136 fund-raising, erecting and maintaining the monument as provided in

137 subsection (1) of this section. The funds may be used for any  
138 fund-raising activity the board deems necessary for the  
139 construction and maintenance of the monument. Any monies  
140 remaining unexpended or unencumbered in the fund upon completion  
141 of the monument shall revert to the Board on Law Enforcement  
142 Officer Standards and Training for maintenance of the monument.  
143 At the end of each fiscal year, any monies remaining unexpended or  
144 unencumbered in the fund in excess of the amount necessary for  
145 construction and maintenance of the monument shall be transferred  
146 to and credited to the Board of Trustees of Institutions of Higher  
147 Learning for expenditure and disbursement in administering the  
148 scholarship program for children of deceased or disabled law  
149 enforcement officers or firemen established under Chapter 107,  
150 Title 37, Mississippi Code of 1972.

151 **SECTION 3.** Section 37-107-1, Mississippi Code of 1972, is  
152 amended as follows:

153 37-107-1. If any Mississippi law enforcement officer,  
154 full-time fire fighter or volunteer fire fighter shall suffer or  
155 has suffered fatal injuries or wounds or become permanently and  
156 totally disabled as a result of injuries or wounds which occurred  
157 in the performance of the official and appointed duties of his or  
158 her office, his or her spouse, child or children shall be entitled  
159 to an eight-semester scholarship, inclusive of books, without  
160 cost, exclusive of \* \* \* food, school supplies, materials and dues  
161 or fees for extracurricular activities, at any state-supported or  
162 private college, university or community/junior college of his or  
163 her choice within this state. The amount of the scholarship  
164 awarded for attendance at a private college or university shall  
165 not exceed the amount awarded for attendance at a state-supported  
166 college, university or community/junior college. No child shall  
167 be entitled to receive benefits during any semester or quarter  
168 when said child has reached the age of twenty-three (23) years on  
169 the first day of said semester or quarter. However, any child who

170 has begun the process of acquiring college credits under the  
171 provisions of this section prior to attaining the age of  
172 twenty-three (23) years shall be entitled to the full  
173 eight-semester scholarship if his or her college instruction was  
174 interrupted for any reason.

175         Scholarship benefits shall not accrue hereunder to any person  
176 if the wounds or injuries suffered by any law enforcement officer,  
177 full-time fire fighter or volunteer fire fighter are  
178 self-inflicted or if his death is self-induced.

179         **SECTION 4.** The following shall be codified as Section  
180 37-107-11, Mississippi Code of 1972:

181         37-107-11. The provisions of this chapter and any rules and  
182 regulations promulgated by the Board of Trustees of State  
183 Institutions of Higher Learning implementing the provisions of  
184 this chapter shall be included in any handbook issued to a law  
185 enforcement officer, full-time fire fighter or volunteer fire  
186 fighter.

187         **SECTION 5.** This act shall take effect and be in force from  
188 and after July 1, 2007.