

By: Senator(s) Gollott, Albritton, Burton, Butler, Chaney, Clarke, Dawkins, Dearing, Fillingane, Harden, Jackson (15th), Jackson (11th), Jackson (32nd), Jordan, King, Kirby, Lee (35th), Little, Mettetal, Posey, Ross, Thomas, Walls, White

To: Wildlife, Fisheries and Parks; Judiciary, Division B

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2549

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,  
2 TO REMOVE THE PROHIBITION AGAINST DUMPING DEAD WILDLIFE AND  
3 WILDLIFE PARTS ON STREETS, ROADS AND PRIVATE PROPERTY FROM THE  
4 GENERAL LITTER PROHIBITION; TO CREATE A NEW CODE SECTION  
5 PROHIBITING THE DUMPING OF DEAD WILDLIFE ON STREETS, ROADS,  
6 HIGHWAYS AND PRIVATE PROPERTY WITHOUT THE PERMISSION OF THE OWNER  
7 OF SUCH PROPERTY; TO PROVIDE A PENALTY FOR VIOLATIONS; AND FOR  
8 RELATED PURPOSES.

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

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

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

21 \* \* \*

22 (2) The Department of Transportation is authorized to erect  
23 warning signs along the roads and highways of this state advising  
24 the public of the existence of this section and of the penalty for  
25 the violation thereof and is further authorized to install  
26 receptacles at reasonable intervals along the roads and highways  
27 of this state to be used as containers for trash and rubbish and  
28 for the convenience of the public using such roads and highways.

29 (3) Any person found guilty of the violation of this section  
30 shall, upon conviction, be fined not less than Fifty Dollars

31 (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). The  
32 proceeds of such fines shall be expended by the collecting  
33 jurisdiction solely for the purpose of funding local litter  
34 prevention programs or projects or local or school litter  
35 education programs as recommended by the statewide litter  
36 prevention program of Keep Mississippi Beautiful, Inc.

37 (4) As a part of the fine imposed by subsection (3) above, a  
38 person convicted for an offense upon which fines are imposed by  
39 this section may be required to perform the following, and a  
40 person convicted for a second or subsequent offense upon which  
41 fines are imposed by this section shall be required to:

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

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

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

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

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

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

62 (7) Assessments collected under subsection (4) of Section  
63 99-19-73 from persons convicted of a violation of this section

64 shall be deposited to the credit of the Statewide Litter  
65 Prevention Fund created in Section 65-1-167.

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

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

71 **SECTION 2.** (1) Anyone who puts, throws or dumps on the  
72 streets, roads or highways within this state, or within the limits  
73 of the rights-of-way of such streets, roads or highways, or upon  
74 any private property without permission of the owner of such  
75 property, any dead wildlife, wildlife parts or waste, in addition  
76 to being civilly liable for all damages caused by such act, upon  
77 conviction, shall be guilty of a misdemeanor and punished as  
78 provided in this section.

79 (2) Any person found guilty of the violation of this section  
80 shall, upon conviction, be fined not less than Two Hundred Dollars  
81 (\$200.00) nor more than Four Hundred Dollars (\$400.00).

82 (3) A person convicted for a first offense under this  
83 section may be required to perform the following, and a person  
84 convicted for a second or subsequent offense shall be required to:

85 (a) Remove the unlawfully discarded dead wildlife or  
86 waste;

87 (b) Restore property damaged by, or pay damages for any  
88 damage arising out of the unlawfully discarded dead wildlife or  
89 waste;

90 (c) Perform community public service relating to the  
91 removal of any unlawfully discarded dead wildlife or waste or to  
92 the restoration of any area polluted by unlawfully discarded dead  
93 wildlife or waste; and

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

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

99           **SECTION 3.** This act shall take effect and be in force from  
100 and after July 1, 2007.