

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

SENATE BILL NO. 2549
(As Passed the Senate)

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) In addition to the assessments collected under
67 subsection (4) of Section 99-17-73, there shall be imposed and
68 collected an assessment of Fifty Dollars (\$50.00) on each
69 violation of this section. The assessment shall be deposited into
70 the Law Enforcement Officers Monument Fund created in Section
71 39-5-71. After the monument is constructed, the assessment shall
72 not be deposited into the fund. The assessment shall then be
73 deposited with the Board of Trustees of State Institutions of
74 Higher Learning to be used for the scholarship program for
75 children of deceased or disabled law enforcement officers and
76 firemen as provided by Sections 37-107-1 through 37-107-9.

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

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

82 **SECTION 2.** (1) Anyone who puts, throws or dumps on the
83 streets, roads or highways within this state, or within the limits
84 of the rights-of-way of such streets, roads or highways, or upon
85 any private property without permission of the owner of such
86 property, any dead wildlife, wildlife parts or waste, in addition
87 to being civilly liable for all damages caused by such act, upon
88 conviction, shall be guilty of a misdemeanor and punished as
89 provided in this section.

90 (2) Any person found guilty of the violation of this section
91 shall, upon conviction, be fined not less than Two Hundred Dollars
92 (\$200.00) nor more than Four Hundred Dollars (\$400.00).

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

96 (a) Remove the unlawfully discarded dead wildlife or
97 waste;

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

101 (c) Perform community public service relating to the
102 removal of any unlawfully discarded dead wildlife or waste or to
103 the restoration of any area polluted by unlawfully discarded dead
104 wildlife or waste; and

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

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

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