

By: Representative Sanford

To: Judiciary B

HOUSE BILL NO. 243

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE PENALTIES FOR THE CRIME OF LITTERING ON THE ROADS  
3 AND HIGHWAYS OF THIS STATE; TO REVISE THE DISTRIBUTION OF FUNDS  
4 FROM THE STATE ASSESSMENT IMPOSED AND COLLECTED ON SUCH CRIMINAL  
5 VIOLATIONS; AND FOR RELATED PURPOSES.

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

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

9 97-15-29. (1) Anyone who shall put, throw, dump or leave on  
10 the roads and highways of this state, or within the limits of the  
11 rights-of-way of such roads and highways, or upon any private  
12 property, any cigarette or cigar stubs, or any other thing or  
13 substance likely to ignite the grass or underbrush on a road or  
14 highway, in addition to being civilly liable for all damages  
15 caused by such act shall, upon conviction, be guilty of a  
16 misdemeanor and punished as provided by subsection (3) of this  
17 section.

18 (2) The Department of Transportation is authorized to erect  
19 warning signs along the roads and highways of this state advising



20 the public of the existence of this section and of the penalty for  
21 the violation thereof and is further authorized to install  
22 receptacles at reasonable intervals along the roads and highways  
23 of this state to be used as containers for trash and rubbish and  
24 for the convenience of the public using such roads and highways.

25 (3) Any person found guilty of the violation of this section  
26 shall, upon first conviction, be fined \* \* \* Five Hundred Dollars  
27 (\$500.00) and required to perform eight (8) hours of community  
28 service in litter abatement work approved by the court. Upon a  
29 second conviction, such person shall be fined Nine Hundred Dollars  
30 (\$900.00) and required to perform twenty (20) hours of community  
31 service in litter abatement work approved by the court. Upon a  
32 third or subsequent conviction, such person shall be fined Two  
33 Thousand Five Hundred Dollars (\$2,500.00), required to perform  
34 eighty (80) hours of community service in litter abatement work  
35 approved by the court, and the person's driving privileges shall  
36 be suspended and may not be reinstated until payment of the fine  
37 and completion of the community service requirement. The proceeds  
38 of such fines shall be expended by the collecting jurisdiction  
39 solely for the purpose of funding local litter prevention programs  
40 or projects or local or school litter education programs as  
41 recommended by the statewide litter prevention program of Keep  
42 Mississippi Beautiful, Inc.



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

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

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

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

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

60 \* \* \*

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

64 ( \* \* \*6) There shall be imposed and collected an assessment  
65 of Fifty Dollars (\$50.00) on each violation of this section. The  
66 assessment shall be deposited into the Law Enforcement Officers  
67 Monument Fund created in Section 39-5-71. After the monument is



68 constructed, the assessment shall not be deposited into the fund.  
69 Twenty-five percent (25%) of the assessment shall then be  
70 deposited with the Postsecondary Education Financial Assistance  
71 Board to be used for the scholarship program for children of  
72 deceased or disabled law enforcement officers and firemen as  
73 provided by Section 37-106-39, twenty-five percent (25%) of the  
74 assessment shall be provided to the law enforcement agency that  
75 issued the ticket, twenty-five percent (25%) of the assessment  
76 shall be deposited with the Public Employees' Retirement System to  
77 the credit of such law enforcement agency and twenty-five percent  
78 (25%) of the assessment shall be deposited for use by the  
79 Mississippi Department of Transportation to fund the comprehensive  
80 statewide program of litter prevention as created under Section  
81 65-1-165, with the monies dedicated toward assisting local litter  
82 abatement programs within the statewide program where such local  
83 programs exist.

84 ( \* \* \*7) It shall be the duty of all law enforcement  
85 officers to enforce the provisions of this section.

86 ( \* \* \*8) This section shall not prohibit the storage of  
87 ties and machinery by a railroad on its right-of-way where the  
88 highway right-of-way extends to within a few feet of the railroad  
89 roadbed.

90 **SECTION 2.** This act shall take effect and be in force from  
91 and after July 1, 2018.

