

By: Representatives Newman, Ford (73rd)

To: Judiciary B

## HOUSE BILL NO. 215

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE FINES FOR LITTERING; TO INCREASE THE PORTION OF  
3 LITTERING FINES THAT IS DONATED TO THE LAW ENFORCEMENT OFFICERS  
4 MONUMENT FUND AND THE SCHOLARSHIP PROGRAM FOR CHILDREN OF DECEASED  
5 OR DISABLED LAW ENFORCEMENT OFFICERS AND FIREMEN; TO BRING FORWARD  
6 SECTION 65-1-165, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR  
7 CONTRACTS WITH KEEP MISSISSIPPI BEAUTIFUL, INC.; AND FOR RELATED  
8 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 leave on  
13 the roads and highways of this state, or within the limits of the  
14 rights-of-way of such roads and highways, or upon any private  
15 property, any cigarette or cigar stubs, or any other thing or  
16 substance likely to ignite the grass or underbrush on a road or  
17 highway, in addition to being civilly liable for all damages  
18 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           (2) The Department of Transportation is authorized to erect  
22 warning signs along the roads and highways of this state advising  
23 the public of the existence of this section and of the penalty for  
24 the violation thereof and is further authorized to install  
25 receptacles at reasonable intervals along the roads and highways  
26 of this state to be used as containers for trash and rubbish and  
27 for the convenience of the public using such roads and highways.

28           (3) Any person found guilty of \* \* \* violating this section  
29 shall, upon conviction \* \* \* for a first offense be fined not less  
30 than \* \* \* Two Hundred Fifty Dollars (\$250.00) nor more than Five  
31 Hundred Dollars (\$500.00); upon conviction for a second offense be  
32 fined not less than One Thousand Dollars (\$1,000.00) nor more than  
33 Two Thousand Dollars (\$2,000.00); upon conviction for a third or  
34 subsequent offense be fined not less than Three Thousand Dollars  
35 (\$3,000.00). The proceeds of such fines shall be expended by the  
36 collecting jurisdiction solely for the purpose of funding local  
37 litter prevention programs or projects or local or school litter  
38 education programs as recommended by the statewide litter  
39 prevention program of Keep Mississippi Beautiful, Inc.

40           (4) \* \* \* In addition to the fine \* \* \* authorized by  
41 subsection (3) \* \* \* of this section for a first offense, a person  
42 convicted for an offense upon which fines are imposed by this  
43 section may be required to perform \* \* \* one (1) of the actions  
44 listed in paragraphs (a) through (d) of this subsection (4). A  
45 person convicted for a second or subsequent offense upon which



46 fines are imposed by subsection (3) of this section, in addition  
47 to the fine authorized in subsection (3) of this section, shall be  
48 required to:

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

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

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

60 (d) Pay all reasonable investigative and prosecutorial  
61 expenses and costs to the investigative and/or prosecutorial  
62 agency or agencies.

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

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

69 (7) There shall be imposed and collected an assessment  
70 of \* \* \* One Hundred Fifty Dollars (\$150.00) on each violation of



71 this section. Of this assessment, Seventy-five Dollars (\$75.00)  
72 shall be deposited into the Statewide Litter Prevention Fund  
73 created by Section 65-1-167. The \* \* \* other Seventy-five Dollars  
74 (\$75.00) of the One Hundred Fifty Dollars (\$150.00) shall be  
75 deposited into the Law Enforcement Officers Monument Fund created  
76 in Section 39-5-71. After the monument is constructed, the \* \* \*  
77 Seventy-five Dollars (\$75.00) for the Law Enforcement Officers  
78 Monument Fund shall not be deposited into the fund. \* \* \* It  
79 shall then be deposited with the Postsecondary Education Financial  
80 Assistance Board to be used for the scholarship program for  
81 children of deceased or disabled law enforcement officers and  
82 firemen as provided by Section 37-106-39.

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

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

88 **SECTION 2.** Section 65-1-165, Mississippi Code of 1972, is  
89 brought forward as follows:

90 65-1-165. The State Highway Department is hereby authorized  
91 to execute a contract with Keep Mississippi Beautiful, Inc., to  
92 develop and implement a comprehensive statewide program of litter  
93 prevention. The contract shall contain provisions to require that  
94 Keep Mississippi Beautiful, Inc., will:



95           (a) Encourage and assist local communities to become  
96 certified Keep America Beautiful systems.

97           (b) Serve as a state clearinghouse of information on  
98 ideas and projects to make local litter prevention programs more  
99 effective.

100          (c) Implement statewide communication programs to alert  
101 people to the problem of littering and how it can be corrected.

102          (d) Coordinate an annual statewide project which will  
103 heighten public awareness of the problem of littering.

104          (e) Establish an annual awards program to recognize  
105 individual and community achievement in litter prevention.

106          (f) Serve as the authority which approves and disburses  
107 financial assistance to any nonprofit corporation, county or  
108 municipality which, in a written application, seeks such  
109 assistance to implement a local litter prevention project. The  
110 financial assistance authorized herein shall not exceed forty  
111 percent (40%) of the cost of the local litter prevention project  
112 for which such assistance is sought.

113          (g) Encourage donation of funds from the private sector  
114 to assist in defraying the operation of the litter prevention  
115 program implemented pursuant to this section.

116          The contract may include any additional provisions which the  
117 highway department deems necessary to effectuate the litter  
118 prevention program contemplated by this section.



119           Keep Mississippi Beautiful, Inc., shall submit to the highway  
120 department on or before August 1 of each year a written report  
121 detailing the operation of the litter prevention program statewide  
122 and its expenditure of monies for such program during the  
123 preceding state fiscal year.

124           **SECTION 3.** This act shall take effect and be in force from  
125 and after July 1, 2021.

