

By: Representative Newman

To: Judiciary B

HOUSE BILL NO. 39

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, 2022.

