

By: Representatives Newman, Felsher

To: Judiciary B

HOUSE BILL NO. 45

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,  
 2 TO INCREASE FINES FOR LITTERING; TO REQUIRE PERSONS CONVICTED OF  
 3 LITTERING TO PERFORM TRASH PICK-UP AS A CONDITION OF CONVICTION;  
 4 TO INCREASE THE PORTION OF LITTERING FINES THAT IS DONATED TO THE  
 5 LAW ENFORCEMENT OFFICERS MONUMENT FUND AND THE SCHOLARSHIP PROGRAM  
 6 FOR CHILDREN OF DECEASED OR DISABLED LAW ENFORCEMENT OFFICERS AND  
 7 FIREMEN; TO BRING FORWARD SECTION 65-1-165, MISSISSIPPI CODE OF  
 8 1972, WHICH PROVIDES FOR CONTRACTS WITH KEEP MISSISSIPPI  
 9 BEAUTIFUL, INC.; AND FOR RELATED PURPOSES.

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

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

13 97-15-29. (1) Anyone who shall put, throw, dump or leave on  
 14 the roads and highways of this state, or within the limits of the  
 15 rights-of-way of such roads and highways, or upon any private  
 16 property, any trash, litter, rubbish, cigarette or cigar stubs, or  
 17 any other thing or substance \* \* \* on a road or highway, in  
 18 addition to being civilly liable for all damages caused by such  
 19 act shall, upon conviction, be guilty of a misdemeanor and  
 20 punished as provided by subsection (3) of this 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) \* \* \* (a) In addition to the fines authorized by  
41 subsection (3) for a first or subsequent conviction under this  
42 section, the person shall be required to pick up trash, rubbish or  
43 any other thing or substance from the roads and highways as a  
44 condition for completing the terms and conditions of the  
45 conviction.



46                   (b) A person convicted of a second or subsequent  
47 offense shall, in addition to the fine and trash pick-up required  
48 in paragraph (a) also:

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

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

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

60                   ( \* \* \*iv) Pay all reasonable investigative and  
61 prosecutorial expenses and costs to the investigative and/or  
62 prosecutorial 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 against each fine  
70 an assessment of \* \* \* One Hundred Fifty Dollars (\$150.00) \* \* \*



71 for each conviction for violation of this section. Of this  
72 assessment, Seventy-five Dollars (\$75.00) shall be deposited into  
73 the Statewide Litter Prevention Fund created by Section 65-1-167.  
74 The \* \* \* other Seventy-five Dollars (\$75.00) of the One Hundred  
75 Fifty Dollars (\$150.00) shall be deposited into the Law  
76 Enforcement Officers Monument Fund created in Section 39-5-71.  
77 After the monument is constructed, the \* \* \* Seventy-five Dollars  
78 (\$75.00) for the Law Enforcement Officers Monument Fund shall not  
79 be deposited into the fund. \* \* \* It shall then be deposited with  
80 the Postsecondary Education Financial Assistance Board to be used  
81 for the scholarship program for children of deceased or disabled  
82 law enforcement officers and firemen as provided by Section  
83 37-106-39.

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

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

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

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



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

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

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

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

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

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

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

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



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

125           **SECTION 3.** This act shall take effect and be in force from  
126 and after July 1, 2023.

