

By: Senator(s) Horhn

To: Judiciary, Division B

SENATE BILL NO. 2016

1 AN ACT TO AMEND SECTION 97-15-30, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE PENALTIES FOR ILLEGALLY DUMPING SOLID WASTE  
3 MATERIAL; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-15-30, Mississippi Code of 1972, is  
6 amended as follows:

7 97-15-30. (1) For purposes of this section the term  
8 "commercial purpose" means for the purpose of economic gain.

9 (2) (a) Except as authorized by law or permit, it is  
10 unlawful for any person to throw, scatter, spill or place, or  
11 cause to be thrown, scattered, spilled, or placed, or otherwise  
12 disposed of, any solid waste in any of the following manners or  
13 amounts:

14 (i) In or on any public highway, road, street,  
15 alley or thoroughfare, including any portion of the right-of-way  
16 thereof, or any other public lands, except in containers or areas  
17 lawfully provided therefor. When any solid waste is thrown or



18 discarded from a motor vehicle, the operator or owner of the motor  
19 vehicle, or both, shall be deemed in violation of this section;

20 (ii) In or on any waters of the state. When any  
21 solid waste is thrown or discarded from a vessel, the operator or  
22 owner of the boat, or both, shall be deemed in violation of this  
23 section; or

24 (iii) In or on any private property, unless prior  
25 written consent of the owner has been given and the solid waste  
26 will not cause a public nuisance or be in violation of any other  
27 state or local law, rule or regulation;

28 (iv) Raw human waste from any train, aircraft,  
29 motor vehicle or vessel upon the public or private lands or waters  
30 of the state.

31 (b) Nothing in this section shall prohibit acts  
32 authorized pursuant to Section 17-17-13.

33 (3) (a) Any person who violates this section in an amount  
34 not exceeding fifteen (15) pounds in weight or twenty-seven (27)  
35 cubic feet in volume and not for commercial purposes is guilty of  
36 littering and subject to a fine as provided in Section 97-15-29.

37 (b) Any person who violates this section in an amount  
38 exceeding fifteen (15) pounds or twenty-seven (27) cubic feet in  
39 volume, but not exceeding five hundred (500) pounds in weight or  
40 one hundred (100) cubic feet in volume and not for commercial  
41 purposes is guilty of a misdemeanor and subject to a fine of not  
42 less than \* \* \* Five Hundred Dollars (\$500.00), nor more



43 than \* \* \* One Thousand Five Hundred Dollars (\$1,500.00), or to  
44 imprisonment for a term of not more than one (1) year, or both.

45 (c) Any person who violates this section in an amount  
46 exceeding five hundred (500) pounds in weight or one hundred (100)  
47 cubic feet in volume, or in any amount or volume of solid waste  
48 for commercial purposes, or in any amount or volume of hazardous  
49 waste is guilty of a felony and subject to a fine of not less  
50 than \* \* \* One Thousand Dollars (\$1,000.00), nor more than \* \* \*  
51 Seventy-Five Thousand Dollars (\$75,000.00) or to imprisonment for  
52 a term of not more than five (5) years, or both. For purposes of  
53 the fine, each day shall constitute a separate violation.

54 (d) In addition to any other fines, penalties or  
55 injunctive relief prescribed by law, a person convicted under  
56 subsection \* \* \* (3) (b) or (3) (c) of this section shall:

57 (i) Remove or render harmless, in accordance with  
58 written direction from the Department of Environmental Quality,  
59 the unlawfully discarded solid waste;

60 (ii) Repair or restore property damaged by, or pay  
61 damages for any damage arising out of the unlawfully discarded  
62 solid waste;

63 (iii) Perform community public service relating to  
64 the removal of any unlawfully discarded solid waste or to the  
65 restoration of an area polluted by unlawfully discarded solid  
66 waste; and



67 (iv) Pay all reasonable investigative and  
68 prosecutorial expenses and costs to the investigative and/or  
69 prosecutorial agency or agencies.

70 (e) If a conviction under subsection (3) of this  
71 section is for a violation committed after a first conviction of  
72 that person under this section, the maximum punishment under the  
73 respective paragraphs shall be doubled with respect to both fine  
74 and imprisonment.

75 (4) A court may enjoin a violation of subsection (2) of this  
76 section.

77 (5) Any motor vehicle, vessel, aircraft, container, crane,  
78 winch, or machine used in a felony violation of this section may  
79 be seized with process or without process if a law enforcement  
80 officer has probable cause to believe that the property was used  
81 in violation of that section. The seized property shall be  
82 subject to an administrative and/or judicial forfeiture by the  
83 same standards and procedures provided under Sections 41-29-176  
84 through 41-29-185.

85 (6) In the criminal trial of any person charged with  
86 violating subsection (2) of this section, the defendant must  
87 affirmatively show that he had authority to discard the solid  
88 waste.

89 (7) Any person who conspires to commit a violation of this  
90 section shall be punished in accordance with the underlying  
91 offense set forth in this section.



92 (8) It shall be the duty of all law enforcement officers to  
93 enforce the provisions of this chapter.

94 (9) All prosecutions for felony violations of this section  
95 shall be instituted only by the Attorney General, his designee,  
96 the district attorney of the district in which the violation  
97 occurred or his designee and shall be conducted in the name of the  
98 people of the State of Mississippi. In the prosecution of any  
99 criminal proceeding under this section by the Attorney General, or  
100 his designee, and in any proceeding before a grand jury in  
101 connection therewith, the Attorney General or his designee shall  
102 exercise all the powers and perform all the duties which the  
103 district attorney would otherwise be authorized or required to  
104 exercise or perform. The Attorney General shall have the  
105 authority to issue and serve subpoenas for any felony violation in  
106 the same manner as prescribed under Section 7-5-59.

107 (10) Jurisdiction for all felony violations shall be in the  
108 circuit court of the county in which the violation occurred.

109 (11) Nothing in this section shall limit the authority of  
110 the department to enforce the provisions of the Solid Waste  
111 Disposal Law or shall limit the authority of any state or local  
112 agency to enforce any other laws, rules or ordinances.

113 (12) The Department of Transportation may erect warning  
114 signs along the roads and highways of this state advising the  
115 public of the existence of these sections and of the penalty for  
116 the violation thereof.



117           (13) This section shall not prohibit the storage of ties,  
118 poles, other materials and machinery by a railroad or a public  
119 utility on its right-of-way. This section does not apply to any  
120 vehicle transporting agricultural products or supplies when the  
121 solid waste from that vehicle is a nontoxic, biodegradable  
122 agricultural product or supply.

123           (14) The Attorney General may pay an award, not to exceed  
124 Ten Thousand Dollars (\$10,000.00) to any person who furnishes  
125 information or services that lead to a felony criminal conviction  
126 for any violation of this section. The payment shall be subject  
127 to available appropriations for those purposes as provided in  
128 annual appropriation acts. Any officer or employee of the United  
129 States or any state or local government who furnishes information  
130 or renders service in the performance of an official duty is  
131 ineligible for payment under this subsection.

132           **SECTION 2.** This act shall take effect and be in force from  
133 and after July 1, 2024.

