

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.

