

Regular Session, 2011

SENATE BILL NO. 270 (Substitute of Senate Bill No. 247 by Senator Willard-Lewis)

BY SENATOR WILLARD-LEWIS

CRIME/PUNISHMENT. Provides relative to penalties for littering convictions. (8/15/11)

1 AN ACT

2 To amend and reenact R.S. 30:2531.1 (D), relative to offenses affecting the public safety;
3 to provide for statewide litter reduction; to provide for criminal penalties; to provide
4 for exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 30:2531.1 (D) is hereby amended and reenacted to read as follows:

7 §2531.1. Gross littering prohibited; criminal penalties; indemnification

8 * * *

9 D.(1) Whoever violates the provisions of this Section shall, upon first
10 conviction, be fined not less than five hundred dollars nor more than one thousand
11 dollars and sentenced to serve eight hours of community service in a litter abatement
12 work program as approved by the court.

13 (2) Upon second conviction, an offender shall be fined not less than one
14 thousand dollars nor more than two thousand five hundred dollars and sentenced to
15 serve twenty-four hours of community service in a litter abatement work program
16 as approved by the court.

17 (3) Upon third or subsequent conviction, an offender shall be fined not less

1 than one thousand five hundred dollars nor more than five thousand dollars, have his
2 motor vehicle driver's license suspended for one year, be imprisoned for not more
3 than thirty days, or sentenced to serve not less than forty-eight and not more than one
4 hundred hours in a litter abatement work program as approved by the court, or all or
5 any combination of the aforementioned penalties.

6 (4) The judge may require an individual convicted of a violation of this
7 Section to remove litter from state highways, public rights-of-way, public
8 playgrounds, public parks, or other appropriate locations for any prescribed period
9 of time in lieu of the penalties prescribed in this Section.

10 **(5)(a) In addition, upon third or subsequent conviction, if the litter is**
11 **disposed of from a motor vehicle, boat, or conveyance, the judge may order that**
12 **the motor vehicle, boat, or conveyance being driven by the offender at the time**
13 **of the offense may be seized and impounded, and sold at auction in the same**
14 **manner and under the same conditions as executions of writ of seizures and sale**
15 **as provided in Book V, Title II, Chapter 4 of the Code of Civil Procedure.**

16 **(b) The vehicle shall be exempt from seizure and sale if it was stolen. It**
17 **shall also be exempt from sale if all towing and storage fees are paid by a valid**
18 **lien holder.**

19 **(c) The proceeds of the sale shall first be used to pay court costs and**
20 **towing and storage costs, and the remainder shall be allocated as follows: thirty**
21 **percent of the funds shall go to the investigative agency, ten percent to the**
22 **indigent defender board, ten percent for the towing fees associated with towing**
23 **of the stolen vehicle, twenty percent to the prosecuting district attorney, and**
24 **thirty percent to the Louisiana Department of Environmental Quality.**

25 * * *

The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jeanne Johnston.

DIGEST

Willard-Lewis (SB 270)

Present law provides that no person will intentionally dispose or permit the disposal of any household or office furniture or appliances, automotive parts, including but not limited to tires and engines, trailers, boats and boating accessories, tools and equipment, building materials, roofing nails, and bags or boxes of household or office garbage or refuse upon any public place in the state, upon private property in this state not owned by him, upon property located in rural areas in this state not owned by him, or in or on the waters of this state, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such items and such person is authorized to use such property for such purpose.

Present law provides for the following penalties:

- (1) Upon a first conviction, the offender will be fined not less than \$500 dollars nor more than \$1,000 dollars and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.
- (2) Upon a second conviction, an offender will be fined not less than \$1,000 dollars nor more than \$2,500 dollars and sentenced to serve 24 hours of community service in a litter abatement work program as approved by the court.
- (3) Upon a third or subsequent conviction, an offender will be fined not less than \$1,500 dollars nor more than \$5,000 dollars, have his motor vehicle driver's license suspended for one year, be imprisoned for not more than 30 days, or sentenced to serve not less than 48 hours and not more than 100 hours in a litter abatement work program as approved by the court, or all or any combination of the aforementioned penalties.
- (4) The judge may require an individual convicted to remove litter from state highways, public rights-of-way, public playgrounds, public parks, or other appropriate locations for any prescribed period of time in lieu of the penalties prescribed in law.

Proposed law retains present law.

Proposed law provides that, upon third or subsequent conviction, if the litter is disposed of from a motor vehicle, boat, or conveyance, the judge may order that the motor vehicle, boat, or conveyance being driven by the offender at the time of the offense may be seized and impounded, and sold at auction in the same manner and under the same conditions as executions of writ of seizures and sale as provided in Book V, Title II, Chapter 4 of the Code of Civil Procedure.

Provides that the vehicle will be exempt from seizure and sale if it was stolen and shall also be exempt from sale if all towing and storage fees are paid by a valid lien holder.

Provides that the proceeds of the sale must first be used to pay court costs and towing and storage costs, and the remainder will be allocated as follows: 30% of the funds will go to the investigative agency, 10% to the indigent defender board, 10% for towing fees associated with the stolen vehicle, 20% to the prosecuting district attorney, and 30% to the La. Department of Environmental Quality.

Effective August 15, 2011.

(Amends R.S. 30:2531.1(D))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Makes technical changes.
2. Makes seizure, impoundment, and sale provisions apply only upon third or subsequent conviction.
3. Reduces the percentage of sale proceeds allocated to the indigent defender board.
4. Provides for a percentage of sale proceeds to be allocated for towing fees associated with the stolen vehicle.