

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Walters**

# A Bill

**SENATE BILL 161**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §8-6-404 TO  
9 INCREASE THE FINE FOR FIRST OFFENSE LITTERING AND PROVIDE  
10 FOR THE SUSPENSION OF DRIVING PRIVILEGES UPON FAILURE TO  
11 PAY THE FINE; AND FOR OTHER PURPOSES."

## Subtitle

14 "TO INCREASE THE FINE FOR FIRST OFFENSE LITTERING AND  
15 PROVIDE FOR THE SUSPENSION OF DRIVING PRIVILEGES UPON  
16 FAILURE TO PAY THE FINE."

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. Arkansas Code Annotated §8-6-404 is amended to read as  
21 follows:

22 "§8-6-404. Penalties.

23 (a) (1) (A) Every person convicted of a violation of §8-6-406 or §8-6-407  
24 shall be guilty of an unclassified misdemeanor for a first offense and shall  
25 be fined one thousand dollars (\$1,000), or sentenced to one hundred (100)  
26 hours of community service in lieu of the fine if the judge determines that  
27 the offender is financially unable to pay the fine and a Class A misdemeanor  
28 for a second or subsequent offense.

29 (B) Any time any person supplies information to law  
30 enforcement officials which leads to the conviction of a person who violates  
31 this subchapter, the person giving such information is entitled to a reward of  
32 one-half (1/2) the amount imposed by the fine, if any, to the violator.

33 (2) In addition to those penalties, any violator may also be  
34 required to remove litter from alongside highways and at other appropriate  
35 locations for any prescribed period;

1 (b) Any person who violates §8-6-406 or §8-6-407 and who is found to  
2 have committed the prohibited acts in furtherance of or as a part of a  
3 commercial enterprise, whether or not that enterprise is the disposal of  
4 wastes, shall be guilty of commercial littering and shall be guilty of a Class  
5 A misdemeanor. Additionally, those convicted may be required to remove any  
6 litter disposed of in violation of this subchapter.

7 (c) (1) Any person who violates any provision of §8-6-408 shall be  
8 guilty of an unclassified misdemeanor for a first offense and shall be fined  
9 *one thousand dollars (\$1,000), or sentenced to one hundred (100) hours of*  
10 *community service in lieu of the fine if the judge determines that the*  
11 *offender is financially unable to pay the fine* and a Class A misdemeanor for a  
12 second or subsequent offense.

13 (2) Any time any person supplies information to law enforcement  
14 officials which leads to the conviction of a person that violates this  
15 section, the person giving such information is entitled to a reward of  
16 one-half (1/2) the amount imposed by the fine, if any, to the violator.

17 (d) In addition to all other penalties, any person convicted of a  
18 violation of §8-6-406 or §8-6-407, who fails to pay any fines assessed in  
19 accordance with the findings and orders of the court, shall have their  
20 driver\_s license suspended for six (6) months by the Department of Finance and  
21 Administration upon receipt of an order of denial of driving privileges from  
22 the court pursuant to this section.

23 (e) *All or any portion of the fines and imprisonment penalties provided*  
24 *by this section may be suspended by the judge."*

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26 SECTION 2. All provisions of this act of a general and permanent nature  
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
28 Revision Commission shall incorporate the same in the Code.

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30 SECTION 3. If any provision of this act or the application thereof to  
31 any person or circumstance is held invalid, such invalidity shall not affect  
32 other provisions or applications of the act which can be given effect without  
33 the invalid provision or application, and to this end the provisions of this  
34 act are declared to be severable.

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1 SECTION 4. All laws and parts of laws in conflict with this act are  
2 hereby repealed.

3 /s/ Senator Walters  
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***As Engrossed: 2/1/93 2/11/93 3/23/93***

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