

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 979 OF 1995
HOUSE BILL 1870

4 **By: Representatives Wilkins, J. Wilson, Lynn, Bennett, Roberts, and J. Smith**

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For An Act To Be Entitled

8 "AN ACT AMENDING ARK. CODE § 8-6-404 TO AUTHORIZE THE
9 COURT TO SUSPEND FINES OR IMPRISONMENT PENALTIES FOR
10 LITTERING IF VIOLATORS AGREE TO REMOVE LITTER OR ARE
11 UNABLE TO PAY FINES; AND FOR OTHER PURPOSES."

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Subtitle

14 "TO AUTHORIZE THE COURT TO SUSPEND FINES
15 OR IMPRISONMENT PENALTIES FOR LITTERING
16 IF VIOLATORS AGREE TO REMOVE LITTER OR
17 ARE UNABLE TO PAY FINES"

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

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

23 "8-6-404. Penalties.

24 (a) (1) Every person convicted of a violation of § 8-6-406 or § 8-6-407
25 shall be guilty of:

26 (A) An unclassified misdemeanor for a first offense, and
27 shall be fined one thousand dollars (\$1,000) or sentenced to one hundred (100)
28 hours of community service in lieu of the fine if the judge determines that
29 the offender is financially unable to pay the fine; and

30 (B) A Class A misdemeanor for a second or subsequent
31 offense.

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

35 (b) Any person who violates § 8-6-406 or § 8-6-407 and who is found to
36 have committed the prohibited acts in furtherance of or as a part of a

1 commercial enterprise, whether or not that enterprise is the disposal of
2 wastes, shall be guilty of commercial littering and shall be guilty of a Class
3 A misdemeanor. Additionally, those convicted may be required to remove any
4 litter disposed of in violation of this subchapter.

5 (c) Any person who violates any provision of § 8-6-408 shall be guilty
6 of:

7 (1) An unclassified misdemeanor for a first offense, and shall be
8 fined one thousand dollars (\$1,000) or sentenced to one hundred (100) hours of
9 community service in lieu of the fine if the judge determines that the
10 offender is financially unable to pay the fine; and

11 (2) A Class A misdemeanor for a second or subsequent offense.

12 (d) All or any portion of the fines and imprisonment penalties provided
13 by this section may be suspended by the judge if the violator agrees to remove
14 litter from alongside highways and at other appropriate locations for a
15 prescribed period or if the judge finds the violator indigent and unable to
16 pay any fine assessed.

17 (e) 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 his driver's
20 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 (f) Any time any person supplies information to law enforcement
24 officials which leads to the conviction of a person who violates this
25 subchapter, the person giving such information is entitled to a reward of
26 one-half (1/2) the amount imposed by the fine, if any, to the violator."

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

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

1 act are declared to be severable.

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

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APPROVED: 4-6-95

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