

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

A Bill

ACT 398 OF 1993
HOUSE BILL 1348

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 8-6-404 TO ESTABLISH
MANDATORY MINIMUM FINES FOR LITTERING; AND FOR OTHER
PURPOSES."

Subtitle

"TO ESTABLISH MANDATORY MINIMUM FINES FOR LITTERING."

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

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

"§ 8-6-404. Penalties.

(a) (1) Every person who pleads guilty or nolo contendere, or is found
guilty of violating §8-6-406 or §8-6-407 shall be punished as follows:

(A) For a first offense, fined not less than two hundred
and fifty dollars (\$250) and not more than five hundred dollars (\$500);

(B) For a second offense, fined not less than five hundred
dollars (\$500) and not more than one thousand dollars (\$1,000); and

(C) *In lieu of those penalties, any violator may be*
required to remove litter from alongside highways and at other appropriate
locations for any prescribed period.

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

(b) Any person who violates §8-6-406 or §8-6-407 and who is found to
have committed the prohibited acts in furtherance of or as a part of a
commercial enterprise, whether or not that enterprise is the disposal of
wastes, shall be guilty of commercial littering and shall be guilty of a
misdemeanor. He shall be punished by a fine of not less than five hundred

1 dollars (\$500) and not more than one thousand dollars (\$1,000). Additionally,
2 those convicted may be required to remove any litter disposed of in violation
3 of this subchapter.

4 (c) (1) Every person who pleads guilty or nolo contendere or is found
5 guilty of violating any provision of §8-6-408 shall be punished as follows:

6 (A) For a first time offense, fined not less than two
7 hundred and fifty dollars (\$250) and not more than five hundred dollars
8 (\$500).

9 (B) For a second time offense, fined not less than five
10 hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

11 (C) Additionally, those convicted may also be required to
12 remove any litter disposed of in violation of this subchapter.

13 (2) Any time any person supplies information to law enforcement
14 officials which leads to the punishment 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 to the violator."

17

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

21

22 SECTION 3. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

27

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

30

/s/B. Hawkins

31

32

APPROVED: 03-09-93

33

34

35