

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H1/22/01

A Bill

HOUSE BILL 1056

5 By: Representatives Hunt, M. Smith, Bennett, Altes, Seawel, Bond, Agee, Green, Salmon, Bolin
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 8-6-404 TO ADJUST THE
10 LEVEL OF FINES FOR LITTERING AND TO REQUIRE MANDATORY
11 COMMUNITY SERVICE AND TO DEDICATE THE FINE MONEY FOR
12 ANTI-LITTERING PROGRAMS BY THE KEEP ARKANSAS BEAUTIFUL
13 COMMISSION AND BY LOCAL GOVERNMENTS; AND FOR OTHER
14 PURPOSES.
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Subtitle

16 TO AMEND ARKANSAS' LITTER LAW TO ADJUST
17 THE LEVEL OF FINES AND REQUIRE COMMUNITY
18 SERVICE FOR LITTERING AND DEDICATE FINE
19 MONEY FOR ANTI-LITTERING PROGRAMS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code 8-6-404 is amended to read as follows:
26 8-6-404. Penalties.

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

29 (A) An unclassified misdemeanor for a first offense, and
30 shall be fined ~~one thousand dollars (\$1,000) or~~ one hundred dollars (\$100.00)
31 and sentenced to one hundred (100) eight (8) hours of community service in
32 lieu of the fine if the judge determines that the offender is financially
33 unable to pay the fine; and

34 (B) A Class A misdemeanor for a second or subsequent
35 offense occurring within three (3) years of the first offense.

36 (2) In addition to those penalties, any violator may also be

1 required to remove litter from alongside highways and at other appropriate
2 locations for any prescribed period.

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

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

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

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

16 (d) (1) All or any portion of the fines, community service, and
17 imprisonment penalties provided by this section may be suspended by the judge
18 if the violator agrees to remove litter from alongside highways and at other
19 appropriate locations for a prescribed period ~~or if the judge finds the~~
20 ~~violator indigent and unable to pay any fine assessed.~~

21 (2) All fines collected under this section shall be deposited as
22 follows:

23 (A) If a municipality or county where the offense occurs is a
24 certified affiliate of Keep Arkansas Beautiful or Keep America Beautiful,
25 Inc., and participates in litter control programs conducted by these
26 organizations, then the monies from fines collected for offenses in that
27 jurisdiction shall be deposited to the city or county general fund to be used
28 for the purpose of community improvement as determined by the municipal or
29 county governing body; or

30 (B) If the municipality or county where the offense occurs is not
31 a certified affiliate of Keep Arkansas Beautiful or Keep America Beautiful,
32 Inc., or does not participate in litter control programs conducted by these
33 organizations, then the monies from fines collected for offenses in those
34 jurisdictions shall be deposited as special revenues in the State Treasury and
35 credited to the Keep Arkansas Beautiful Fund Account to be used by the Keep
36 Arkansas Beautiful Commission as appropriated by the General Assembly for the

1 purpose of encouraging litter prevention and anti-litter education and
2 increasing awareness of litter law enforcement statewide.

3 (e) In addition to all other penalties, any person convicted of a
4 violation of §§ 8-6-406 or 8-6-407 who fails to pay any fines assessed in
5 accordance with the findings and orders of the court shall have his driver's
6 license suspended for six (6) months by the Department of Finance and
7 Administration upon receipt of an order of denial of driving privileges from
8 the court pursuant to this section.

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

13 /s/ Hunt

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