

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1805

By: Liotta and Winchester of
the House

and

6 Littlefield and Robinson of
7 the Senate

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11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to crimes and punishments; amending
13 21 O.S. 1991, Section 1753.3, as last amended by
14 Section 1, Chapter 299, O.S.L. 1996 (21 O.S. Supp.
15 1998, Section 1753.3), which relates to littering;
16 modifying maximum fine; authorizing community
17 service penalty; amending 22 O.S. 1991, Section 1334,
18 as last amended by Section 3, Chapter 299, O.S.L.
19 1996 (22 O.S. Supp. 1998, Section 1334), which
20 relates to reward funds for littering and dumping;
21 authorizing certain expenditures; amending 21 O.S.
22 1991, Section 965, which relates to the definition of
23 thing of value; stating exception; providing an
24 effective date; and declaring an emergency.

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32 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1753.3, as
last amended by Section 1, Chapter 299, O.S.L. 1996 (21 O.S. Supp.
1998, Section 1753.3), is amended to read as follows:

Section 1753.3 A. The operator of a vehicle, unless any other
person in the vehicle admits to or is identified as having committed
the act, shall be liable pursuant to subsection B of this section
for any act of throwing, dropping, depositing, or otherwise placing
any litter from a vehicle upon highways, roads, or public property.

B. Any person convicted of violating the provisions of
subsection A of this section shall be subject to a state traffic

1 offense punishable by a fine of not more than ~~Two Hundred Dollars~~
2 ~~(\$200.00)~~ One Thousand Dollars (\$1,000.00) and upon conviction shall
3 be sentenced to perform not less than five (5) nor more than twenty
4 (20) hours of community service in a litter abatement work program
5 as approved by the court, or the violator may be subject to criminal
6 prosecution as provided by the provisions of Section 1761.1 of this
7 title. The penalties collected from the payment of such citations
8 shall, after deduction of court costs, be paid into the reward fund
9 created pursuant to Section 1334 of Title 22 of the Oklahoma
10 Statutes.

11 C. As used in this section, "litter" means any flaming or
12 glowing substances except those which by law may be placed upon
13 highway rights-of-way, any substance which may cause a fire, any
14 bottles, cans, trash, garbage, or debris of any kind. As used in
15 this section, "litter" shall not include trash, garbage, or debris
16 placed beside a public road for collection by a garbage or
17 collection agency, or deposited upon or within public property
18 designated by the state or by any of its agencies or political
19 subdivisions as an appropriate place for such deposits if the person
20 making the deposit is authorized to use the property for such
21 purpose.

22 SECTION 2. AMENDATORY 22 O.S. 1991, Section 1334, as
23 last amended by Section 3, Chapter 299, O.S.L. 1996 (22 O.S. Supp.
24 1998, Section 1334), is amended to read as follows:

25 Section 1334. A. The boards of county commissioners of
26 counties and the governing bodies of municipalities may offer and
27 pay a reward, from funds set aside for that purpose, in an amount
28 not to exceed fifty percent (50%) of the fine imposed, for the
29 arrest and conviction or for evidence leading to the arrest and
30 conviction of any person who violates the provisions of Sections
31 1753.3 or 1761.1 of Title 21 of the Oklahoma Statutes.
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1 B. The board of county commissioners or the governing body of
2 the municipality may create and maintain a reward fund in the county
3 or municipal treasury which shall be a revolving fund not subject to
4 fiscal year limitations, from which to pay the rewards provided for
5 in subsection A of this section, and to offset the cost of any
6 special enforcement programs originated by any law enforcement
7 agency responsible for the arrest or prosecution of any person who
8 violates the provisions of Sections 1753.3 or 1761.1 of Title 21 of
9 the Oklahoma Statutes. These costs may include, but not be limited
10 to, the posting of signs along the state's highways advising
11 motorists of the fines for littering or illegal dumping.

12 C. The board of county commissioners may provide for the
13 publication, advertisement and countywide distribution to the public
14 of information as to the reward program specified by this section.

15 D. Claims for rewards shall be on forms provided by the county
16 or municipality and shall be submitted to the prosecuting attorney
17 of the county or municipality no later than thirty (30) days after
18 sentencing of the defendant. The prosecuting attorney shall
19 investigate the validity of the claim and make a nonbinding written
20 recommendation to the board of county commissioners or governing
21 body of the municipality.

22 E. All claims relating to a conviction shall be considered
23 together at the next regular meeting of the board of county
24 commissioners or governing body of the municipality following
25 receipt of the prosecuting attorney's report.

26 F. In determining the amount of the reward, the board of county
27 commissioners or the governing body of the municipality shall have
28 sole discretion to honor or deny the claim, but shall consider:

- 29 1. The severity of the offense;
- 30 2. The size of the fine imposed;
- 31 3. The number of persons claiming a reward and the degree to
32 which each claimant was responsible for the arrest or conviction;

1 4. The burden, if any, incurred by the claimant including cost
2 to appear at trial; and

3 5. Other factors which the board or governing body deems
4 appropriate.

5 G. No reward shall be authorized and no debt shall accrue to
6 the county or municipality upon the depletion of the reward fund
7 authorized by this section.

8 H. The reward authorized by this section shall be in lieu of
9 any other county or municipal reward.

10 I. Full-time peace officers of this state or of any county or
11 municipality within this state shall not be eligible for the reward
12 provided by this section.

13 J. All courts assessing and receiving reward funds as required
14 by Sections 1753.3 and 1761.1 of Title 21 of the Oklahoma Statutes
15 shall provide appropriate transfer of the reward funds to the proper
16 county or municipal reward fund as prescribed by the provisions of
17 this section.

18 SECTION 3. AMENDATORY 21 O.S. 1991, Section 965, is
19 amended to read as follows:

20 Section 965. For the purposes of this act, "a thing of value"
21 is defined to be any money, coin, currency, check, chip, token,
22 credit, property, tangible or intangible, or any representative of
23 value or any other thing, tangible or intangible, except amusement
24 or entertainment, calculated or intended to serve as an inducement
25 for anyone to operate or play any slot machine or punch board. "A
26 thing of value" shall not include tangible property such as toys or
27 novelties with a value of Twenty-five Dollars (\$25.00) or less,
28 received or dispensed directly from an amusement machine,
29 instrument, mechanism or device.

30 SECTION 4. This act shall become effective July 1, 1999.

31 SECTION 5. It being immediately necessary for the preservation
32 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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