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AS AMENDED

By: Echols, and Cleveland of
the House

Fields and Murdock of the
Senate

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

Section 1761.1. A. Any person who deliberately places, throws, drops, dumps, deposits, or discards any garbage, trash, waste, rubbish, refuse, debris, or other deleterious substance on any public property or on any private property of another without consent of the property owner shall be deemed guilty of a misdemeanor.

B. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Thousand

1 Dollars (\$5,000.00) or by imprisonment in the county jail for not
2 more than thirty (30) days, or by both such fine and imprisonment.

3 C. Any person convicted of violating the provisions of
4 subsection A of this section with any flaming or glowing substance,
5 or any substance which may cause a fire shall be punished by a fine
6 of not less than Two Thousand Dollars (\$2,000.00) nor more than Five
7 Thousand Dollars (\$5,000.00) or by imprisonment in the county jail
8 for not more than sixty (60) days, or by both such fine and
9 imprisonment. The penalties collected from the payment of the
10 citations shall, after deduction of court costs, be paid to the fire
11 department of the district in which the flaming or glowing substance
12 was discarded. Any person violating the provisions of this
13 subsection shall be liable for all damages caused by the violation.
14 Damages shall be recoverable in any court of competent jurisdiction.

15 D. During a burn ban declared by the Governor, any person
16 convicted of violating the provisions of subsection A of this
17 section with any flaming or glowing substances, or any substance
18 which may cause a fire shall be punished by a fine of not less than
19 Four Thousand Dollars (\$4,000.00) nor more than Ten Thousand Dollars
20 (\$10,000.00) or by imprisonment in the county jail for not more than
21 one hundred twenty (120) days, or by both such fine and
22 imprisonment. The penalties collected from the payment of the
23 citations shall, after deduction of court costs, be paid to the fire
24 department of the district in which the flaming or glowing substance

1 was discarded. Any person violating the provisions of this
2 subsection shall be liable for all damages caused by the violation.
3 Damages shall be recoverable in any court of competent jurisdiction.

4 E. Any person convicted of violating the provisions of
5 subsection A of this section with any item of furniture, or item
6 that exceeds fifty (50) pounds, shall be punished by a fine of not
7 less than One Thousand Dollars (\$1,000.00) nor more than Six
8 Thousand Five Hundred Dollars (\$6,500.00) or by imprisonment in the
9 county jail for not more than sixty (60) days, or by both such fine
10 and imprisonment.

11 F. In addition to the penalty prescribed by subsection B of
12 this section, the court shall direct the person to make restitution
13 to the property owner affected; to remove and properly dispose of
14 the garbage, trash, waste, rubbish, refuse, or debris from the
15 property; to pick up, remove, and properly dispose of garbage,
16 trash, waste, rubbish, refuse, debris, and other nonhazardous
17 deleterious substances from public property; or perform community
18 service or any combination of the foregoing which the court, in its
19 discretion, deems appropriate. The dates, times, and locations of
20 such activities shall be scheduled by the sheriff pursuant to the
21 order of the court in such a manner as not to interfere with the
22 employment or family responsibilities of the person.

23 ~~F.~~ G. In addition to the penalty prescribed in subsection B of
24 this section and the restitution prescribed in subsection ~~E~~ F of

1 this section, the court may order the defendant to pay into the
2 reward fund as prescribed in Section 1334 of Title 22 of the
3 Oklahoma Statutes an amount not to exceed Two Thousand Dollars
4 (\$2,000.00).

5 ~~G.~~ H. The discovery of two or more items which have been
6 dropped, dumped, deposited, discarded, placed, or thrown at one
7 location and which bear a common address in a form which tends to
8 identify the latest owner of the items shall create a rebuttable
9 presumption that any competent person residing at such address
10 committed the unlawful act. The discovery or use of such evidence
11 shall not be sufficient to qualify for the reward provided in
12 Section 1334 of Title 22 of the Oklahoma Statutes.

13 ~~H.~~ I. Any person may report a violation of this section, if
14 committed in ~~their~~ his or her presence, to an officer of the State
15 Highway Patrol, a county sheriff or deputy, a municipal law
16 enforcement officer or any other peace officer in this state. The
17 peace officer shall then conduct an investigation into the
18 allegations, if warranted. If a violation of this section has in
19 fact been committed, and the peace officer has reasonable cause to
20 believe a particular person or persons have committed the violation,
21 a report shall be filed with the District Attorney for prosecution.

22 ~~I.~~ J. Notwithstanding the provisions of subsection ~~H~~ I of this
23 section, any peace officer of this state or of any political
24 subdivision of this state may issue a state traffic citation to any

1 person committing a violation of subsection A of this section. Such
2 state traffic citation shall be in an amount not to exceed ~~Four~~
3 ~~Hundred Dollars (\$400.00)~~ Five Hundred Dollars (\$500.00). The
4 penalties collected from the payment of such citations shall not
5 include court costs and shall be divided as follows:

6 1. One-half (1/2) shall be paid into the reward fund created
7 pursuant to Section 1334 of Title 22 of the Oklahoma Statutes;
8 provided that if the citation is issued by a peace officer of a
9 county of this state, the funds allocated by this paragraph shall be
10 transferred to the general fund of the county of the law enforcement
11 officer issuing the citation; and

12 2. One-half (1/2) shall be paid into the sheriff's service fee
13 account for that county to be used for enforcing provisions of this
14 section.

15 ~~F.~~ K. The amount of bail for littering offenses specified in
16 Section 1753.3 of this title and for trash dumping offenses
17 specified in this section shall be the amount of fine specified in
18 each statute plus costs including any penalty assessment, as well as
19 costs incurred in Section 1313.3 of Title 20 of the Oklahoma
20 Statutes.

21 SECTION 2. This act shall become effective November 1, 2018.

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
23 April 11, 2018 - DO PASS AS AMENDED
24