

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1891

By: Cantrell of the House

and

Stewart of the Senate

6
7
8
9 COMMITTEE SUBSTITUTE

10 [environmental crimes - state traffic citations -
11 fines - reward fund - littering complaints -
12 effective date]

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1206, is
16 amended to read as follows:

17 Section 1206. Any person or any officer of any city or town
18 violating any of the provisions of ~~this act~~ Section 1205 of this
19 title shall, upon conviction, be ~~fined~~ punished by a fine not less
20 than Two Hundred Dollars (\$200.00) nor more than Five Hundred
21 Dollars (\$500.00), or ~~be imprisoned by imprisonment~~ in the county
22 jail for not more than thirty (30) days, or by both such fine and
23 imprisonment. The fines collected from the payment of such state
24

1 traffic citations shall not include court costs and shall be divided
2 as follows:

3 1. One-half (1/2) shall be paid into the reward fund created
4 pursuant to Section 1334 of Title 22 of the Oklahoma Statutes; and

5 2. One-half (1/2) shall be paid into the sheriff's service fee
6 account for that county to be used for enforcing the provisions of
7 Section 1205 of this title.

8 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1761.1, is
9 amended to read as follows:

10 Section 1761.1 A. Any person who deliberately places, throws,
11 drops, dumps, deposits, or discards any garbage, trash, waste,
12 rubbish, refuse, debris, or other deleterious substance on any
13 public property, on any private property of another without consent
14 of the property owner or on his or her own private property in
15 violation of any county or state zoning or public health regulations
16 shall, upon conviction, be deemed guilty of a misdemeanor.

17 B. Any person convicted of violating the provisions of
18 subsection A of this section shall be punished by a fine ~~of~~ not less
19 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
20 Dollars (\$5,000.00) or by imprisonment in the county jail for not
21 more than thirty (30) days, or by both such fine and imprisonment.

22 C. Any person convicted of violating the provisions of
23 subsection A of this section with any flaming or glowing substance,
24 or any substance which may cause a fire, shall be punished by a fine

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

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

23 E. Any person convicted of violating the provisions of
24 subsection A of this section with any item of furniture, or item

1 that exceeds fifty (50) pounds, shall be punished by a fine of not
2 less than One Thousand Dollars (\$1,000.00) nor more than Six
3 Thousand Five Hundred Dollars (\$6,500.00) or by imprisonment in the
4 county jail for not more than sixty (60) days, or by both such fine
5 and imprisonment.

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

18 G. In addition to the penalty prescribed in subsection B of
19 this section and the restitution prescribed in subsection F of this
20 section, the court may order the defendant to pay into the reward
21 fund as prescribed in Section 1334 of Title 22 of the Oklahoma
22 Statutes an amount not to exceed Two Thousand Dollars (\$2,000.00).

23 H. The discovery of two or more items which have been dropped,
24 dumped, deposited, discarded, placed, or thrown at one location and

1 which identify an individual person, or which bear a common address
2 or personal information in a form which tends to identify the latest
3 owner of the items, shall create a rebuttable presumption that any
4 competent person residing at such address committed the unlawful
5 act. The discovery or use of such evidence shall not be sufficient
6 to qualify for the reward provided in Section 1334 of Title 22 of
7 the Oklahoma Statutes.

8 I. Any person may report a violation of this section, if
9 committed in his or her presence, to an officer of the State Highway
10 Patrol, a county sheriff or deputy, a municipal law enforcement
11 officer or any other peace officer in this state. The peace officer
12 shall then conduct an investigation into the allegations, if
13 warranted. If a violation of this section has in fact been
14 committed, and the peace officer has reasonable cause to believe a
15 particular person or persons have committed the violation, a report
16 shall be filed with the district attorney for prosecution.

17 J. Notwithstanding the provisions of subsection I of this
18 section, any peace officer of this state or of any political
19 subdivision of this state may issue a state traffic citation to any
20 person committing a violation of subsection A of this section. Such
21 state traffic citation shall be in an amount ~~of~~ not less than Five
22 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
23 (\$5,000.00). The penalties collected from the payment of such
24

1 citations shall not include court costs and shall be divided as
2 follows:

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

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

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

18 SECTION 3. AMENDATORY 22 O.S. 2021, Section 1334, is
19 amended to read as follows:

20 Section 1334. A. The boards of county commissioners of
21 counties and the governing bodies of municipalities may offer and
22 pay a reward, from funds set aside for that purpose, in an amount
23 not to exceed fifty percent (50%) of the fine imposed, for the
24 arrest and conviction or for evidence leading to the arrest and

1 conviction of any person who violates the provisions of ~~Sections~~
2 Section 1205, 1753.3 or 1761.1 of Title 21 of the Oklahoma Statutes.

3 B. The board of county commissioners or the governing body of
4 the municipality ~~may~~ shall create and maintain a reward fund in the
5 county or municipal treasury which shall be a revolving fund not
6 subject to fiscal year limitations, from which to pay the rewards
7 provided for in subsection A of this section, and to offset the cost
8 of any special enforcement programs originated by any law
9 enforcement agency responsible for the arrest or prosecution of any
10 person who violates the provisions of ~~Sections~~ Section 1205, 1753.3
11 or 1761.1 of Title 21 of the Oklahoma Statutes. These costs may
12 include, but not be limited to, the posting of signs along the
13 state's highways advising motorists of the fines for littering or
14 illegal dumping.

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

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

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

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

8 1. The severity of the offense;

9 2. The size of the fine imposed;

10 3. The number of persons claiming a reward and the degree to
11 which each claimant was responsible for the arrest or conviction;

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

14 5. Other factors which the board or governing body deems
15 appropriate.

16 G. No reward shall be authorized and no debt shall accrue to
17 the county or municipality upon the depletion of the reward fund
18 authorized by this section.

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

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

24

1 J. All courts assessing and receiving reward funds as required
2 by Sections 1205, 1753.3 and 1761.1 of Title 21 of the Oklahoma
3 Statutes shall provide appropriate transfer of the reward funds to
4 the proper county or municipal reward fund as prescribed by the
5 provisions of this section.

6 K. In lieu of a fine, courts may assess payment into the reward
7 fund for criminal violations of environmental statutes including,
8 but not limited to, Sections 2-5-116, 2-6-206, and 2-10-301 of Title
9 27A of the Oklahoma Statutes. Such payment shall not exceed the
10 maximum possible criminal fine for such violation.

11 L. The identity of an individual who reports a littering
12 complaint to law enforcement shall remain anonymous. Disclosure of
13 information and identities of informants shall be at the discretion
14 of the district attorney and presiding judge.

15 SECTION 4. This act shall become effective November 1, 2023.

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