

1 ENGROSSED HOUSE
2 BILL NO. 1891

By: Cantrell of the House
and
Stewart of the Senate

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7 [environmental crimes - state traffic citations -
8 fines - reward fund - littering complaints -
9 effective date]
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

16 Section 1206. A. Any person or any officer of any city or town
17 violating any of the provisions of this ~~act~~ section shall, upon
18 conviction, be fined not less than Two Hundred Dollars (\$200.00) nor
19 more than Five Hundred Dollars (\$500.00), or be imprisoned in the
20 county jail for not more than thirty (30) days, or by both such fine
21 and imprisonment.

22 B. Notwithstanding the provisions of subsection A 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 Section 1205 of this title. Such
2 state traffic citation shall be in an amount of not less than Two
3 Hundred Dollars (\$200.00) nor more than Five Hundred Dollars
4 (\$500.00). The fines collected from the payment of such state
5 traffic citations shall not include court costs and shall be divided
6 as follows:

7 1. One-half (1/2) shall be paid into the reward fund created
8 pursuant to Section 1334 of Title 22 of the Oklahoma Statutes; 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 the provisions of
11 Section 1205 of this title.

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

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

21 B. Any person convicted of violating the provisions of
22 subsection A of this section shall be punished by a fine of not less
23 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
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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 G. In addition to the penalty prescribed in subsection B of
24 this section and the restitution prescribed in subsection F of this

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

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

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

22 J. Notwithstanding the provisions of subsection 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 of not less than Five
3 Hundred Dollars (\$500.00) nor more than Five Thousand Dollars
4 (\$5,000.00). The penalties collected from the payment of such
5 citations shall not include court costs and shall be divided as
6 follows:

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

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

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

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

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1 Section 1334. A. The boards of county commissioners of
2 counties and the governing bodies of municipalities may offer and
3 pay a reward, from funds set aside for that purpose, in an amount
4 not to exceed fifty percent (50%) of the fine imposed, for the
5 arrest and conviction or for evidence leading to the arrest and
6 conviction of any person who violates the provisions of ~~Sections~~
7 Section 1753.3 or 1761.1 of Title 21 of the Oklahoma Statutes.

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

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

23 D. Claims for rewards shall be on forms provided by the county
24 or municipality and shall be submitted to the prosecuting attorney

1 of the county or municipality no later than thirty (30) days after
2 sentencing of the defendant. The prosecuting attorney shall
3 investigate the validity of the claim and make a nonbinding written
4 recommendation to the board of county commissioners or governing
5 body of the municipality.

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

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

- 13 1. The severity of the offense;
- 14 2. The size of the fine imposed;
- 15 3. The number of persons claiming a reward and the degree to
16 which each claimant was responsible for the arrest or conviction;
- 17 4. The burden, if any, incurred by the claimant including cost
18 to appear at trial; and
- 19 5. Other factors which the board or governing body deems
20 appropriate.

21 G. No reward shall be authorized and no debt shall accrue to
22 the county or municipality upon the depletion of the reward fund
23 authorized by this section.

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

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

6 J. All courts assessing and receiving reward funds as required
7 by Sections 1205, 1753.3 and 1761.1 of Title 21 of the Oklahoma
8 Statutes shall provide appropriate transfer of the reward funds to
9 the proper county or municipal reward fund as prescribed by the
10 provisions of this section.

11 K. In lieu of a fine, courts may assess payment into the reward
12 fund for criminal violations of environmental statutes including,
13 but not limited to, Sections 2-5-116, 2-6-206, and 2-10-301 of Title
14 27A of the Oklahoma Statutes. Such payment shall not exceed the
15 maximum possible criminal fine for such violation.

16 L. The identity of an individual who reports a littering
17 complaint to law enforcement shall remain anonymous. Disclosure of
18 information and identities of informants shall be at the discretion
19 of the district attorney and presiding judge.

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

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1 Passed the House of Representatives the 8th day of March, 2023.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2023.

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9 Presiding Officer of the Senate