

1 **SENATE FLOOR VERSION**

2 April 13, 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 [ environmental crimes - state traffic citations -  
10 fines - reward fund - littering complaints -  
11 effective date ]

12  
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. Any person or any officer of any city or town  
17 violating any of the provisions of ~~this act~~ Section 1205 of this  
18 title shall, upon conviction, be ~~fined~~ punished by a fine not less  
19 than Two Hundred Dollars (\$200.00) nor more than Five Hundred  
20 Dollars (\$500.00), or ~~be imprisoned by imprisonment~~ in the county  
21 jail for not more than thirty (30) days, or by both such fine and  
22 imprisonment. The fines collected from the payment of such state  
23 traffic citations shall not include court costs and shall be divided  
24 as follows:

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

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

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

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

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

20        C. Any person convicted of violating the provisions of  
21 subsection A of this section with any flaming or glowing substance,  
22 or any substance which may cause a fire, shall be punished by a fine  
23 ~~of~~ not less than Two Thousand Dollars (\$2,000.00) nor more than Five  
24 Thousand Dollars (\$5,000.00) or by imprisonment in the county jail

1 for not more than sixty (60) days, or by both such fine and  
2 imprisonment. The penalties collected from the payment of the  
3 citations shall, after deduction of court costs, be paid to the fire  
4 department of the district in which the flaming or glowing substance  
5 was discarded. Any person violating the provisions of this  
6 subsection shall be liable for all damages caused by the violation.  
7 Damages shall be recoverable in any court of competent jurisdiction.

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

21 E. Any person convicted of violating the provisions of  
22 subsection A of this section with any item of furniture, or item  
23 that exceeds fifty (50) pounds, shall be punished by a fine ~~of~~ not  
24 less than One Thousand Dollars (\$1,000.00) nor more than Six

1 Thousand Five Hundred Dollars (\$6,500.00) or by imprisonment in the  
2 county jail for not more than sixty (60) days, or by both such fine  
3 and imprisonment.

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

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

21 H. The discovery of two or more items which have been dropped,  
22 dumped, deposited, discarded, placed, or thrown at one location and  
23 which identify an individual person, or which bear a common address  
24 or personal information in a form which tends to identify the latest

1 owner of the items, shall create a rebuttable presumption that any  
2 competent person residing at such address committed the unlawful  
3 act. The discovery or use of such evidence shall not be sufficient  
4 to qualify for the reward provided in Section 1334 of Title 22 of  
5 the Oklahoma Statutes.

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

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

24

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

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

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

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

18 Section 1334. A. The boards of county commissioners of  
19 counties and the governing bodies of municipalities may offer and  
20 pay a reward, from funds set aside for that purpose, in an amount  
21 not to exceed fifty percent (50%) of the fine imposed, for the  
22 arrest and conviction or for evidence leading to the arrest and  
23 conviction of any person who violates the provisions of ~~Sections~~  
24 Section 1205, 1753.3 or 1761.1 of Title 21 of the Oklahoma Statutes.

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

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

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

23 E. All claims relating to a conviction shall be considered  
24 together at the next regular meeting of the board of county

1 commissioners or governing body of the municipality following  
2 receipt of the prosecuting attorney's report.

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

6 1. The severity of the offense;

7 2. The size of the fine imposed;

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

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

12 5. Other factors which the board or governing body deems  
13 appropriate.

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

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

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

22 J. All courts assessing and receiving reward funds as required  
23 by Sections 1205, 1753.3 and 1761.1 of Title 21 of the Oklahoma  
24 Statutes shall provide appropriate transfer of the reward funds to



1 the proper county or municipal reward fund as prescribed by the  
2 provisions of this section.

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

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
14 April 13, 2023 - DO PASS AS AMENDED BY CS

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