

The House Committee on Special Judiciary offered the following substitute to HB 1343:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-7-43 of the Official Code of Georgia Annotated, relating to  
2 littering public or private property or waters, so as to change certain provisions relating to  
3 punishment for violations; to provide for jurisdiction of courts to try violations of such law;  
4 to provide that the Georgia Crime Information Center shall maintain data on persons who are  
5 found in violation of such law; to amend Article 11 of Chapter 6 of Title 40 of the Official  
6 Code of Georgia Annotated, relating to miscellaneous provisions of the uniform rules of the  
7 road, so as to change certain provisions relating to littering highways; to amend Chapter 2  
8 of Title 41 of the Official Code of Georgia Annotated, relating to abatement of nuisances  
9 generally, so as to authorize certain public officers to enforce littering laws; to provide a  
10 short title; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

13 This Act shall be known and may be cited as the "Georgia Clean Communities Act of 2002."

14 SECTION 2.

15 Code Section 16-7-43 of the Official Code of Georgia Annotated, relating to littering public  
16 or private property or waters, is amended by redesignating subsection (c) as subsection (e)  
17 and by striking subsection (b) and inserting in lieu thereof the following:

18 "(a.1) Any person who violates subsection (a) of this Code section for the first time shall  
19 not be guilty of a criminal offense but shall be subject to a civil penalty of \$200.00.

20 (b) Any person who violates subsection (a) of this Code section a second or subsequent  
21 time shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as  
22 follows:

23 (1) By a fine of not less than ~~\$100.00~~ \$200.00 nor more than \$1,000.00; and

24 (2)(A) In the sound discretion of a court in which conviction is obtained, the person  
25 may be directed to pick up and remove from any public street or highway or public

1 right of way for a distance not to exceed one mile any litter the person has deposited  
 2 and any and all litter deposited thereon by anyone else prior to the date of execution of  
 3 sentence; or

4 ~~(3)~~(B) In the sound discretion of the judge of a court in which conviction is obtained,  
 5 the person may be directed to pick up and remove from any public beach, public park,  
 6 private right of way, or, with the prior permission of the legal owner or tenant in lawful  
 7 possession of such property, any private property upon which it can be established by  
 8 competent evidence that the person has deposited litter, any and all litter deposited  
 9 thereon by anyone prior to the date of execution of sentence.

10 (c) The superior, state, probate, and municipal courts of this state shall have jurisdiction  
 11 to try violations of this Code section.

12 (d) The Georgia Crime Information Center shall maintain data and records on persons  
 13 found to have violated this Code section."

### 14 SECTION 3.

15 Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to  
 16 miscellaneous provisions of the uniform rules of the road, is amended by striking Code  
 17 Section 40-6-249, relating to littering highways, and inserting in lieu thereof the following:

18 "40-6-249.

19 A person littering a highway in violation of Part 2 of Article 2 of Chapter 7 of Title 16, the  
 20 'Litter Control Law,' Law':

21 (1) For the first such violation shall be subject to a civil penalty as provided in Code  
 22 Section 16-7-43; and

23 (2) For a second or subsequent such violation shall be guilty of a misdemeanor and, upon  
 24 conviction thereof, shall be punished as provided in Code Section 16-7-43."

### 25 SECTION 4.

26 Chapter 2 of Title 41 of the Official Code of Georgia Annotated, relating to abatement of  
 27 nuisances generally, is amended by adding a new Code Section 41-2-18 to read as follows:

28 "41-2-18.

29 Public officers, as defined in paragraph (10) of Code Section 41-2-8, shall be authorized  
 30 to enforce and issue citations for violations of Code Sections 16-7-43 and 40-6-249."

### 31 SECTION 5.

32 All laws and parts of laws in conflict with this Act are repealed.