

House Bill 1343 (FLOOR SUBSTITUTE)

By: Representatives Burkhalter of the 41st and Walker of the 141st

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 amend Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
5 relating to miscellaneous provisions of the uniform rules of the road, so as to change certain
6 provisions relating to littering highways; to amend Chapter 2 of Title 41 of the Official Code
7 of Georgia Annotated, relating to abatement of nuisances generally, so as to authorize certain
8 public officers to enforce littering laws; to provide a short title; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

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

13 style="text-align:center">**SECTION 2.**

14 Code Section 16-7-43 of the Official Code of Georgia Annotated, relating to littering public
15 or private property or waters, is amended by striking subsection (b) and inserting in lieu
16 thereof new subsections (b) and (d):

17 "(b) Any person who violates subsection (a) of this Code section shall not be guilty of a
18 ~~misdemeanor and, upon conviction~~ crime but, upon the finding of a violation thereof, shall
19 be ~~punished as follows~~ subject to:

20 (1) ~~By a~~ A civil fine of not less than ~~\$100.00~~ \$200.00 nor more than ~~\$1,000.00;~~
21 \$1,200.00; and

22 (2)(A) In the sound discretion of ~~a~~ the court ~~in which conviction is obtained~~, the person
23 may be directed to pick up and remove from any public street or highway or public
24 right of way for a distance not to exceed one mile any litter the person has deposited

1 and any and all litter deposited thereon by anyone else prior to the date of execution of
2 sentence; or

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

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

11 SECTION 3.

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

15 "40-6-249.

16 A person littering a highway in violation of Part 2 of Article 2 of Chapter 7 of Title 16, the
17 'Litter Control Law,' ~~shall be guilty of a misdemeanor and, upon conviction upon the~~
18 finding of a violation thereof, shall be punished as provided in Code Section 16-7-43."

19 SECTION 4.

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

22 "41-2-18.

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

25 SECTION 5.

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