

House Bill 1343 (AS PASSED HOUSE AND SENATE)

By: Representatives Burkhalter of the 41st, Walker of the 141st, Campbell of the 42nd,
Jamieson of the 22nd, Ashe of the 46th and others

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 enforcement officers and their qualifications,
4 powers, duties, and limitations; to provide for limitations on liability; to prohibit persons
5 from obstructing, resisting, impeding, or interfering with such enforcement officers in the
6 performance of their duties; to provide a short title; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

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

11 SECTION 2.

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

15 "(b) Any person who violates subsection (a) of this Code section shall be guilty of a
16 misdemeanor and, upon conviction thereof, shall be punished as follows:

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

18 (2) (A) In the sound discretion of a the court ~~in which conviction is obtained~~, the person
19 may be directed to pick up and remove from any public street or highway or public
20 right of way for a distance not to exceed one mile any litter the person has deposited
21 and any and all litter deposited thereon by anyone else prior to the date of execution of
22 sentence; or

23 ~~(3)~~ (B) In the sound discretion of the judge of a the court ~~in which conviction is~~
24 ~~obtained~~, the person may be directed to pick up and remove from any public beach,
25 public park, private right of way, or, with the prior permission of the legal owner or
26 tenant in lawful possession of such property, any private property upon which it can be

1 established by competent evidence that the person has deposited litter, any and all litter
2 deposited thereon by anyone prior to the date of execution of sentence."

3 "(d) Any county, municipality, or law enforcement agency thereof of this state which is
4 empowered to enforce the provisions of this Code section or local littering ordinances may,
5 in its discretion, appoint any person who is a citizen of the United States, is of good moral
6 character, and has not previously been convicted of a felony to enforce the provisions of
7 this Code section or local littering ordinances within the county or municipality in which
8 the appointing agency exercises jurisdiction. Each person appointed pursuant to this Code
9 section shall take and subscribe an oath of office as prescribed by the appointing authority.
10 Any person appointed and sworn pursuant to this subsection shall be authorized to enforce
11 the provisions of this Code section or local littering ordinances in the same manner as any
12 employee or law enforcement officer of this state or any county or municipality of this state
13 subject to the limitations provided in subsections (e) and (f) of this Code section.

14 (e) No person appointed pursuant to subsection (d) of this Code section shall be deemed
15 a peace officer under the laws of this state or:

16 (1) Be deemed to be an employee of or receive any compensation from the state, county,
17 municipality, or appointing law enforcement agency;

18 (2) Be required to complete any training or be certified pursuant to the requirements of
19 Chapter 8 of Title 35;

20 (3) Have the power or duty to enforce any other traffic or criminal laws of the state,
21 county, or municipality;

22 (4) Have the power to possess and carry firearms and other weapons for the purpose of
23 enforcing the littering laws; or

24 (5) Be entitled to any indemnification from the state, county, or municipality for any
25 injury or property damage sustained by such person as a result of attempting to enforce
26 the littering laws of this state or any local government.

27 (f) Notwithstanding any law to the contrary, neither the state nor any county, municipality
28 or other political subdivision of this state or any department, agency, board, or officer of
29 this state or any county, municipality or political subdivision of this state shall be liable or
30 accountable for or on account of any act or omission of any person appointed pursuant to
31 this Code section in connection with such person's enforcement of the provisions of this
32 Code section or local littering ordinances.

33 (g) It shall be unlawful for any person willfully to obstruct, resist, impede, or interfere with
34 any person appointed pursuant to this Code section in connection with such person's
35 enforcement of this Code section or local littering ordinances or to retaliate or discriminate

- 1 in any manner against such person as a reprisal for any act or omission of such person.
2 Any violation of this subsection shall be punishable as a misdemeanor."

3 **SECTION 3.**

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