

1 AN ACT relating to littering.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 2.255 is amended to read as follows:

- 4 (1) The fourth week of March each year shall be "Commonwealth Cleanup" week,
5 culminating with a statewide cleanup day on the Saturday of that week. This week
6 shall provide an opportunity for Kentucky communities, in partnership with local,
7 regional, and state entities, to clean and display the natural beauty of the
8 Commonwealth.
- 9 (2) Local governments and private businesses shall be encouraged to participate in
10 "Commonwealth Cleanup" week through developing, organizing, and implementing
11 activities that highlight the natural beauty of their communities. They are
12 encouraged to work in partnership with civic and volunteer organizations as well as
13 corporate sponsors. Their goal shall be to consider the ways in which Kentucky's
14 beauty enriches their daily living and underpins their economic vitality. Examples
15 of "Commonwealth Cleanup" week activities include: encouraging local
16 communities to offer prizes for those groups who collect the most litter; asking boat
17 owners to volunteer their services to help remove litter from shorelines not easily
18 reached by land; and setting up locations for recyclables.
- 19 (3) The Kentucky National Guard is encouraged to support this effort by providing
20 logistical support across the Commonwealth to help clean up the sites too large for
21 volunteer groups.
- 22 (4) The Energy and Environment Cabinet shall promote "Commonwealth Cleanup"
23 week by continuing to support those agencies and organizations wanting to clean up
24 the environment. The support shall include providing technical assistance in
25 assessing and understanding Kentucky's natural resources, coordinating contacts
26 with other state and federal agencies that can assist with a project as appropriate,
27 guiding local organizers to possible sources of funding to help implement a project

1 as appropriate, overseeing a statewide campaign to publicize "Commonwealth
2 Cleanup" week, and promoting those communities that have outstanding
3 participation. This includes working in tandem with the Kentucky Department of
4 Education to sponsor a statewide poster contest for children through the eighth
5 grade.

6 (5) The month of March shall be designated as Environmental Education Month.
7 During this time, state agencies involved in environmental education are
8 encouraged to work with schools and communities to promote the environment and
9 its preservation. Schools shall also be encouraged to sponsor cleanup or beautifying
10 activities on their grounds during this month.

11 (6) The "Commonwealth Cleanup" week activities shall culminate with the Governor
12 proclaiming the success of those communities, civic organizations, and corporate
13 sponsors that excel in cleaning up where they live.

14 **(7) The Division of Waste Management in the Energy and Environment Cabinet**
15 **shall create a Web site and mobile app to educate the public about penalties for**
16 **littering. The Web site and app shall include an anonymous tip line for the public**
17 **to report incidents of littering. Persons making the report shall include the**
18 **license plate number if a motor vehicle was involved, location of the incident,**
19 **date, and type of litter. Alleged violators shall receive a letter from the cabinet**
20 **recounting the alleged details and explaining potential penalties for littering in**
21 **the Commonwealth. Upon request, the Transportation Cabinet shall provide the**
22 **Energy and Environment Cabinet with current address information for alleged**
23 **litterers.**

24 ➔Section 2. KRS 431.100 is amended to read as follows:

25 (1) When a money judgment is entered against a defendant in a criminal proceeding
26 and each sum, or any part thereof, remains unpaid, there shall be withheld from any
27 disbursement, payment, benefit, compensation, salary, or other transfer of money

- 1 from the Commonwealth of Kentucky to such defendant an amount equal to the
2 unpaid amount of the judgment. Under no circumstances shall the general fund be
3 used to reimburse court costs or pay for judgment.
- 4 (2) Except as provided in this section, all fines and forfeitures imposed by law or
5 ordinance shall inure to and vest in the Commonwealth.
- 6 (3) Fines and forfeitures imposed by law for violation of KRS 222.202 or ordinances
7 relating to similar subject matter shall inure to and vest in the Commonwealth and
8 shall be placed in a special fund in the State Treasury, which shall not lapse, and
9 which, effective July 1, 1987, shall be used solely by the Cabinet for Health and
10 Family Services for the provision of treatment and counseling programs for
11 alcoholics.
- 12 (4) **One hundred percent (100%)**~~[Sixty percent (60%)]~~ of fines for violation of KRS
13 512.070 shall, when collected, be transferred by the circuit clerk to the ~~county~~
14 ~~treasurer for inclusion in the general fund of the county in which the offense occurs~~
15 ~~and forty percent (40%) shall be transferred to the~~ agency that issued the citation.
- 16 (5) The court shall not order a fine, forfeiture, service fee, cost, or any other money due
17 the Commonwealth or any other public officer paid to any person or organization
18 other than one specifically required by the Kentucky Revised Statutes, nor shall a
19 court suspend payment of a fine, forfeiture, service fee, cost, or any other money
20 due the Commonwealth if the defendant makes a payment to another person or
21 organization, unless so authorized by the court and the Kentucky Revised Statutes.
- 22 (6) When, as authorized in the Kentucky Revised Statutes, a court does order a fine,
23 forfeiture, service fee, cost, or any other monetary penalty to be paid to a person
24 other than the circuit clerk, notice of this order will be served on the defendant and
25 a copy of the order will be delivered to the person. Such an order constitutes a
26 judgment of the court and carries with it all lawful means of enforcement and
27 collection.

1 ➔Section 3. KRS 433.753 is amended to read as follows:

- 2 (1) When any paper, waste material, litter, or other refuse is thrown or dropped from a
3 motor vehicle, the operator thereof shall be deemed prima facie to be guilty of
4 criminal littering and shall have a minimum of four (4) points assessed against
5 his or her driving record.
- 6 (2) It shall be the duty of the Department of Kentucky State Police, Trooper R Class
7 officers serving pursuant KRS 16.197, county sheriffs and police officers, solid
8 waste coordinators appointed by a county or waste management district, city police
9 officers, officers of the Department of Fish and Wildlife Resources, and all other
10 law enforcement and peace officers within their respective jurisdictions, to enforce
11 the criminal littering laws and the provisions of KRS 224.40-100.
- 12 (3) Any city or county may offer and pay rewards for the giving of information leading
13 to the arrest and conviction of any person, firm, or corporation for commission of
14 the offense of criminal littering.
- 15 (4) Violators may prepay to the Circuit Court clerk if prepayment is so noted on the
16 citation and if the littering offense is not combined with an offense that is not
17 prepayable.

18 ➔Section 4. KRS 433.757 is amended to read as follows:

- 19 (1) When any litter as defined in KRS 512.010 is thrown or dropped from a motorboat
20 or vessel as defined in KRS 235.010, the operator thereof shall be deemed prima
21 facie to have violated KRS 512.070 and, if found guilty, shall have the
22 registration of his or her boat or vessel suspended for a period of thirty (30) to
23 sixty (60) days.
- 24 (2) It shall be the duty of officers of the Department of Fish and Wildlife Resources as
25 provided in KRS 235.010 and KRS Chapter 150 and all other law enforcement and
26 peace officers of the Commonwealth and its political subdivisions and solid waste
27 coordinators to enforce the provisions of KRS 512.070.

1 (3) Any city or county may offer and pay rewards for the giving of information leading
2 to the arrest and conviction of any person, firm, or corporation for a violation of
3 KRS 512.070.

4 (4) Violators may prepay to the Circuit Court clerk if prepayment is so noted on the
5 citation and if the littering offense is not combined with an offense that is not
6 prepayable.

7 ➔Section 5. KRS 512.070 is amended to read as follows:

8 (1) A person is guilty of criminal littering when he:

9 (a) Drops or permits to drop on a highway any destructive or injurious material
10 and does not immediately remove it; or

11 (b) Knowingly places or throws litter on any public or private property or in any
12 public or private water without permission; or

13 (c) Negligently places or throws glass or other dangerous pointed or edged
14 substances on or adjacent to water to which the public has access for
15 swimming or wading or on or within fifty (50) feet of a public highway; or

16 (d) Discharges sewage, minerals, oil products, or litter into any public waters or
17 lakes within the state.

18 (2) (a) Criminal littering is a Class A misdemeanor.

19 (b) A person found guilty of subsequent incidents of criminal littering shall pay
20 an enhanced penalty of one thousand dollars (\$1,000) per violation.

21 (c) A court may suspend payment of a financial penalty conditional upon
22 completion of no fewer than ten (10) nor more than sixty (60) hours of litter
23 cleanup activity as part of a community service plan.

24 (3) Violators may prepay to the Circuit Court clerk if prepayment is so noted on the
25 citation and if the littering offense is not combined with an offense that is not
26 prepayable.

27 (4) Notwithstanding any language or provision of this section or KRS 65.8808(3) to the

1 contrary, the legislative body of a local government may, by ordinance, choose to
2 classify the offenses proscribed in subsection (1) of this section as civil offenses in
3 accordance with KRS 65.8808.