

Litter Violations to be Heard in Municipal Court



Proposed Legislation

SB 3443 (Faulk) / HB 3589 (Elam)

Background

T.C.A. 39-14-503 and 39-14-510 establish the offense of mitigated criminal littering, which is littering in an amount less than or equal to five pounds (5 lbs) in weight, or seven and one half cubic feet (7.5) cubic feet in volume.

Mitigated criminal littering is a Class C misdemeanor, and violators may pay a \$50 fine in lieu of an appearance in court. However, if a person opts for a court hearing and is convicted of this offense, the law requires the court to impose a \$50 fine and to sentence those convicted to a maximum of forty (40) hours of community service.

Proceeds from the fines must be deposited in the general fund of the county where the offense occurred and are designated for county operating costs, with preference given to litter prevention programs and education such as those conducted by Keep America Beautiful.

Problem

Many municipalities have adopted ordinances pertaining to littering, but the violations must be adjudicated in Sessions Court, as Municipal Courts do not have the authority to sentence those convicted to community service.

Attending Sessions Court requires the city police officer to travel to the county seat, taking time away from his regular duties, increasing overtime expenses, and reducing the level of service provided to citizens. In addition, municipalities do not receive the proceeds from these violations.

Provides that any law enacted or regulation promulgated passing on costs to local governments that are not fully fund Introduce legislation that modifies 39-14-503 to authorize Municipal Courts to sentence only those convicted of mitigated criminal littering to community service and to utilize the proceeds in the same manner as Sessions Courts.

Benefits

Allowing Municipal Courts to hear litter violations will eliminate unnecessary travel, reduce overtime expenses, and maintain a high level of police protection to the community. In addition, cities will be able to retain the proceeds from violations that occur within city limits.

