

AMENDED IN SENATE JUNE 11, 2007

AMENDED IN ASSEMBLY MAY 8, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 679

Introduced by Assembly Member Benoit

February 21, 2007

An act to add Section ~~374.9~~ *1202.51* to the Penal Code, relating to illegal dumping.

LEGISLATIVE COUNSEL'S DIGEST

AB 679, as amended, Benoit. Illegal dumping: assessments.

Existing law establishes various offenses for littering and illegal dumping. Existing law authorizes civil fines upon conviction for a violation of various environmental laws.

This bill would require the court to impose a ~~civil assessment~~ *fine* on violators ~~equal to the actual cost of cleanup incurred by the city or county that results from committing certain littering or illegal dumping offenses~~ *in addition to any other penalty or fine, in the amount of \$100 for an infraction or \$200 for a misdemeanor, as specified*. The bill would require that the ~~assessments~~ *money from the civil fines* be deposited in the city's or county's general fund for use for illegal dumping enforcement, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1202.51 is added to the Penal Code, to
2 read:

3 1202.51. In any case in which a defendant is convicted of any
4 of the offenses enumerated in Section 372, 373a, 374.3, 374.4,
5 374.7, or 374.8, the court shall order the defendant to pay a civil
6 fine of one hundred dollars (\$100) if the conviction is for an
7 infraction or two hundred dollars (\$200) if the conviction is for a
8 misdemeanor, in addition to any other penalty or fine imposed. If
9 the court determines that the defendant has the ability to pay all
10 or part of the civil fine, the court shall set the amount to be paid
11 and order the defendant to pay that sum to the city or, if not within
12 a city, the county, where the violation occurred, to be used for the
13 city's or county's illegal dumping enforcement program.

14 SECTION 1. Section 374.9 is added to the Penal Code, to read:

15 374.9. Upon the filing of a criminal complaint for a violation
16 of Section 372, 373a, 374.3, 374.4, 374.7, or 374.8, the prosecutor
17 shall also submit information to the court on the amount of the
18 actual cost incurred by the city or county to clean up the waste,
19 litter, or other illegal substance that is the subject of the violation.
20 Every person found guilty of any of those offenses shall be required
21 to pay that amount, in addition to any other fines, fees, or penalties
22 imposed. The amount assessed for actual cleanup shall be deposited
23 in the general fund of the city or, if not within a city, the county,
24 where the violation occurred and shall be used for the city's or
25 county's illegal dumping enforcement program.

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