

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 144**

---

---

**Introduced by Assembly Member Mathis**

January 13, 2015

---

---

An act to amend Section ~~832.16~~ 374.3 of the Penal Code, relating to ~~peace officers~~: *dumping*.

LEGISLATIVE COUNSEL'S DIGEST

AB 144, as amended, Mathis. ~~Peace officers~~—*Dumping*.

*Existing law prohibits dumping waste matter in or upon a public or private highway or road, or in or upon private property into or upon which the public is admitted by easement or license, or upon private property without the consent of the owner, or in or upon a public park or other public property. A violation of these provisions is an infraction punishable by a fine between \$250 and \$1,000 for a first conviction, between \$500 and \$1,500 for a 2nd conviction, and between \$750 and \$3,000 for a 3rd or subsequent conviction.*

*This bill would make dumping waste matter on private property, including on any private road or highways, without the consent of the owner a misdemeanor punishable by imprisonment in a county jail for not more than 30 days and by a fine between \$250 and \$1,000 for a first conviction, between \$500 and \$1,500 for a 2nd conviction, and between \$750 and \$3,000 for a 3rd or subsequent conviction.*

*By changing the definition of a crime, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.*

*Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law requires the Department of Justice to notify a state or local agency employing a peace officer authorized to carry a firearm if a peace officer is prohibited from possessing, receiving, owning, or purchasing a firearm pursuant to state or federal law.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

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

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

1     SECTION 1. Section 374.3 of the Penal Code is amended to  
2 read:

3     374.3. (a) It is unlawful to dump or cause to be dumped waste  
4 matter in or upon a public ~~or private~~ highway or road, including  
5 any portion of the right-of-way thereof, or in or upon private  
6 property into or upon which the public is admitted by easement or  
7 license, ~~or upon private property without the consent of the owner,~~  
8 or in or upon a public park or other public property other than  
9 property designated or set aside for that purpose by the governing  
10 board or body having charge of that property.

11     (b) It is unlawful to place, deposit, or dump, or cause to be  
12 placed, deposited, or dumped, rocks, concrete, asphalt, or dirt in  
13 or upon a private highway or road, including any portion of the  
14 right-of-way of the private highway or road, or private property,  
15 without the consent of the owner or a contractor under contract  
16 with the owner for the materials, or in or upon a public park or  
17 other public property, without the consent of the state or local  
18 agency having jurisdiction over the highway, road, or property.

19     (c) A person violating ~~this section~~ *subdivision (a) or (b)* is guilty  
20 of an infraction. Each day that waste placed, deposited, or dumped  
21 in violation of subdivision (a) or (b) remains is a separate violation.

22     (d) This section does not restrict a private owner in the use of  
23 his or her own private property, unless the placing, depositing, or  
24 dumping of the waste matter on the property creates a public health  
25 and safety hazard, a public nuisance, or a fire hazard, as determined

1 by a local health department, local fire department or district  
2 providing fire protection services, or the Department of Forestry  
3 and Fire Protection, in which case this section applies.

4 (e) A person convicted of a violation of ~~this section~~ *subdivision*  
5 *(a) or (b)* shall be punished by a mandatory fine of not less than  
6 two hundred fifty dollars (\$250) nor more than one thousand dollars  
7 (\$1,000) upon a first conviction, by a mandatory fine of not less  
8 than five hundred dollars (\$500) nor more than one thousand five  
9 hundred dollars (\$1,500) upon a second conviction, and by a  
10 mandatory fine of not less than seven hundred fifty dollars (\$750)  
11 nor more than three thousand dollars (\$3,000) upon a third or  
12 subsequent conviction. If the court finds that the waste matter  
13 placed, deposited, or dumped was used tires, the fine prescribed  
14 in this subdivision shall be doubled.

15 (f) The court may require, in addition to any fine imposed upon  
16 a conviction, that, as a condition of probation and in addition to  
17 any other condition of probation, a person convicted under this  
18 section remove, or pay the cost of removing, any waste matter  
19 which the convicted person dumped or caused to be dumped upon  
20 public or private property.

21 (g) Except when the court requires the convicted person to  
22 remove waste matter which he or she is responsible for dumping  
23 as a condition of probation, the court may, in addition to the fine  
24 imposed upon a conviction, require as a condition of probation, in  
25 addition to any other condition of probation, that a person convicted  
26 of a violation of this section pick up waste matter at a time and  
27 place within the jurisdiction of the court for not less than 12 hours.

28 (h) (1) A person who places, deposits, or dumps, or causes to  
29 be placed, deposited, or dumped, waste matter in violation of this  
30 section in commercial quantities shall be guilty of a misdemeanor  
31 punishable by imprisonment in a county jail for not more than six  
32 months and by a fine. The fine is mandatory and shall amount to  
33 not less than one thousand dollars (\$1,000) nor more than three  
34 thousand dollars (\$3,000) upon a first conviction, not less than  
35 three thousand dollars (\$3,000) nor more than six thousand dollars  
36 (\$6,000) upon a second conviction, and not less than six thousand  
37 dollars (\$6,000) nor more than ten thousand dollars (\$10,000) upon  
38 a third or subsequent conviction.

39 (2) “Commercial quantities” means an amount of waste matter  
40 generated in the course of a trade, business, profession, or

1 occupation, or an amount equal to or in excess of one cubic yard.  
 2 This subdivision does not apply to the dumping of household waste  
 3 at a person’s residence.

4 (i) A person who places, deposits, or dumps, or causes to be  
 5 placed, deposited, or dumped, waste matter upon private property,  
 6 including on any private highway or road, without the consent of  
 7 the owner is guilty of a misdemeanor punishable by imprisonment  
 8 in a county jail for not more than 30 days and by a fine. The fine  
 9 is mandatory and shall amount to not less than two hundred fifty  
 10 dollars (\$250) nor more than one thousand dollars (\$1,000) upon  
 11 a first conviction, not less than five hundred dollars (\$500) nor  
 12 more than one thousand five hundred dollars (\$1,500) upon a  
 13 second conviction, and not less than seven hundred fifty dollars  
 14 (\$750) nor more than three thousand dollars (\$3,000) upon a third  
 15 or subsequent conviction. If the court finds that the waste matter  
 16 placed, deposited, or dumped includes used tires, the fine  
 17 prescribed in this subdivision shall be doubled. Each day that  
 18 waste placed, deposited, or dumped remains is a separate violation.

19 (i)

20 (j) For purposes of this section, “person” means an individual,  
 21 trust, firm, partnership, joint stock company, joint venture, or  
 22 corporation.

23 (j)

24 (k) Except in unusual cases where the interests of justice would  
 25 be best served by waiving or reducing a fine, the minimum fines  
 26 provided by this section shall not be waived or reduced.

27 *SEC. 2. No reimbursement is required by this act pursuant to*  
 28 *Section 6 of Article XIII B of the California Constitution because*  
 29 *the only costs that may be incurred by a local agency or school*  
 30 *district will be incurred because this act creates a new crime or*  
 31 *infraction, eliminates a crime or infraction, or changes the penalty*  
 32 *for a crime or infraction, within the meaning of Section 17556 of*  
 33 *the Government Code, or changes the definition of a crime within*  
 34 *the meaning of Section 6 of Article XIII B of the California*  
 35 *Constitution.*

36 ~~SECTION 1. Section 832.16 of the Penal Code is amended to~~  
 37 ~~read:~~

38 ~~832.16. (a) On and after October 1, 1993, the Department of~~  
 39 ~~Justice shall notify a state or local agency employing a peace~~  
 40 ~~officer, as defined by this chapter, who is authorized by the~~

1 ~~employing agency to carry a firearm, as to if a peace officer is~~  
2 ~~prohibited from possessing, receiving, owning, or purchasing a~~  
3 ~~firearm pursuant to state or federal law. If the prohibition is~~  
4 ~~temporary, the notice shall indicate the date that the prohibition~~  
5 ~~expires. However, the notice shall not provide any other~~  
6 ~~information with respect to the basis for the prohibition.~~

7 ~~(b) Before providing the information specified in subdivision~~  
8 ~~(a), the agency employing the peace officer shall provide the~~  
9 ~~Department of Justice with the officer's fingerprints and other~~  
10 ~~identifying information deemed necessary by the department.~~

11 ~~(c) The information specified in this section shall only be~~  
12 ~~provided by the Department of Justice subject to the availability~~  
13 ~~of funding.~~

14 ~~(d) The notice required by this section shall not apply to persons~~  
15 ~~receiving treatment under subdivision (a) of Section 8100 of the~~  
16 ~~Welfare and Institutions Code.~~