

2020 Regular Session

SENATE BILL NO. 392

BY SENATOR LAMBERT

ENVIRONMENTAL QUALITY. Provides for criminal penalties for the illegal disposal of waste tires. (8/1/20)

1 AN ACT

2 To enact R.S. 30:2418.1, relative to the waste tire program within the Department of  
3 Environmental Quality; to prohibit willfully and knowingly illegal disposal of waste  
4 tires; to provide for criminal penalties; to provide for suspended sentence; to provide  
5 for limitation of prosecution; to provide for costs; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 2418.1 is hereby enacted to read as follows:

8 **§2418.1. Illegal waste tire disposal**

9 **A. Any person who willfully or knowingly disposes of a waste tire in**  
10 **contravention of any provision of this Chapter or any regulation promulgated**  
11 **pursuant to this Chapter, shall, upon conviction, be subject to a fine of not less**  
12 **than one thousand dollars but not more than five thousand dollars, or**  
13 **imprisonment with or without hard labor for not more than five years, or both.**

14 **B. The court may suspend the execution of a sentence imposed on any**  
15 **offender convicted under this Section for illegal waste tire disposal, if the**  
16 **offender is placed on supervised probation for at least two years and, as a**  
17 **condition of probation, cleans the site or removes the illegally disposed waste**

1        tires from the site to the satisfaction of the Department of Environmental  
2        Quality.

3                C. The time limit for instituting prosecution under this Section, as  
4        provided in Louisiana Code of Criminal Procedure Art. 572, shall commence  
5        upon discovery of the disposal of the waste tire. The determination of whether  
6        the conduct was willful or knowing shall be determined under the law in  
7        existence at the time of the disposal.

8                D. In addition to the penalties otherwise provided, a person convicted  
9        under this Section shall pay all costs of the investigation and prosecution.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Tyler McCloud.

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## DIGEST

SB 392 Original

2020 Regular Session

Lambert

Proposed law provides that any person who willfully or knowingly disposes of a waste tire in contravention of any provision of present law or any regulation promulgated pursuant to present law shall, upon conviction, be subject to a fine of not less than \$1,000 but not more than \$5,000, or imprisonment with or without hard labor for not more than five years, or both.

Proposed law allows the court to suspend the execution of a sentence imposed on any offender convicted under proposed law, if the offender is placed on supervised probation for at least two years and, as a condition of probation, cleans the site or removes the illegally disposed waste tires from the site to the satisfaction of the DEQ.

Proposed law provides that the time limit for instituting prosecution under proposed law shall commence upon discovery of the disposal of the waste tire. Further provides that the determination of whether the conduct was willful or knowing will be determined under the law in existence at the time of the disposal.

Proposed law requires a person convicted to pay all costs of the investigation and prosecution, in addition to all other penalties.

Effective August 1, 2020.

(Adds R.S. 30:2418.1)