

House Bill 2324

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon State Police)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that offensive littering constitutes violation if committed without culpable mental state. Punishes by maximum of \$2,000 fine.

A BILL FOR AN ACT

1
2 Relating to offensive littering; creating new provisions; and amending ORS 164.805.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 164.805 is amended to read:

5 164.805. (1) A person commits the [*crime*] **offense** of offensive littering if the person creates an
6 objectionable stench or degrades the beauty or appearance of property or detracts from the natural
7 cleanliness or safety of property by intentionally:

8 (a) Discarding or depositing any rubbish, trash, garbage, debris or other refuse upon the land
9 of another without permission of the owner, or upon any public way or in or upon any public
10 transportation facility;

11 (b) Draining, or causing or permitting to be drained, sewage or the drainage from a cesspool,
12 septic tank, recreational or camping vehicle waste holding tank or other contaminated source, upon
13 the land of another without permission of the owner, or upon any public way; or

14 (c) Permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle
15 that the person is operating. This subsection does not apply to a person operating a vehicle trans-
16 porting passengers for hire subject to regulation by the Department of Transportation or a person
17 operating a school bus described under ORS 801.460.

18 (2) As used in this section:

19 (a) "Public transportation facility" has the meaning given that term in ORS 164.365.

20 (b) "Public way" includes, but is not limited to, roads, streets, alleys, lanes, trails, beaches, parks
21 and all recreational facilities operated by the state, a county or a local municipality for use by the
22 general public.

23 (3)(a) Offensive littering is a Class C misdemeanor.

24 **(b) Notwithstanding paragraph (a) of this subsection, offensive littering is a Class A vio-**
25 **lation if a person violates subsection (1) of this section without a culpable mental state.**

26 **SECTION 2. The amendments to ORS 164.805 by section 1 of this 2017 Act apply to con-**
27 **duct occurring on or after the effective date of this 2017 Act.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.