

REFERENCE TITLE: **littering; arson related fines; use**

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1126

Introduced by
Senator Rogers

AN ACT

AMENDING SECTION 13-1603, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 17, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1710; AMENDING SECTION 37-1306, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL FINES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1603, Arizona Revised Statutes, is amended to
3 read:

4 13-1603. Criminal littering or polluting; classification

5 A. A person commits criminal littering or polluting if the person
6 without lawful authority does any of the following:

7 1. Throws, places, drops or permits to be dropped on public
8 property or property of another that is not a lawful dump any litter; ~~OR~~
9 destructive or injurious material that the person does not immediately
10 remove. ~~A SEPARATE VIOLATION OF THIS PARAGRAPH OCCURS ON EACH DAY OR PART~~
11 ~~OF A DAY THAT THE PERSON DOES NOT REMOVE THE LITTER OR MATERIAL.~~

12 2. Discharges or permits to be discharged any sewage, oil products
13 or other harmful substances into any waters or onto any shorelines within
14 this state.

15 3. Dumps any earth, soil, stones, ores or minerals on any land.

16 B. Criminal littering or polluting is punishable as follows:

17 1. A class 6 felony if the act is a knowing violation of subsection
18 A ~~OF THIS SECTION~~ in which the amount of litter or other prohibited
19 material or substance exceeds three hundred pounds in weight or one
20 hundred cubic feet in volume or is done in any quantity for a commercial
21 purpose.

22 2. A class 1 misdemeanor if the act is a knowing violation of
23 subsection A, paragraph 1 ~~OF THIS SECTION~~ in which the amount of litter or
24 prohibited material or substance is more than one hundred pounds in weight
25 but less than three hundred pounds in weight or more than thirty-five
26 cubic feet in volume but less than one hundred cubic feet in volume and is
27 not done for a commercial purpose.

28 3. A class 1 misdemeanor if the act is not punishable under
29 paragraph 1 of this subsection and involves placing any destructive or
30 injurious material on or within fifty feet of a highway, beach or
31 shoreline of any body of water used by the public.

32 4. A class 2 misdemeanor if the act is not punishable under
33 paragraph 1, 2 or 3 of this subsection.

34 C. ~~If a fine is assessed for a violation of subsection A, paragraph~~
35 ~~1 or 2, IN ADDITION TO ANY OTHER PENALTY, THE COURT SHALL IMPOSE A FINE OF~~
36 ~~AT LEAST \$250 FOR EACH VIOLATION OF THIS SECTION.~~ One hundred ~~per cent~~
37 ~~PERCENT~~ of any assessed fine shall be deposited in the general fund of the
38 county in which the fine was assessed. At least fifty ~~per cent~~ ~~PERCENT~~ of
39 the fine shall be used by the county for the purposes of illegal dumping
40 cleanup.

1 Sec. 2. Title 13, chapter 17, Arizona Revised Statutes, is amended
2 by adding section 13-1710, to read:

3 13-1710. Disposition of fines; counties; fire restoration and
4 rehabilitation

5 A. IF A FINE IS ASSESSED FOR A VIOLATION OF SECTION 13-1702,
6 13-1703, 13-1704, 13-1706, 13-1707 OR 13-1708, ONE HUNDRED PERCENT OF ANY
7 ASSESSED FINE SHALL BE DEPOSITED IN THE GENERAL FUND OF THE COUNTY IN
8 WHICH THE FINE WAS ASSESSED. AT LEAST FIFTY PERCENT OF THE FINE SHALL BE
9 USED BY THE COUNTY FOR FIRE RESTORATION AND REHABILITATION COSTS.

10 B. IF A FINE IS ASSESSED FOR A VIOLATION OF SECTION 13-1705, ONE
11 HUNDRED PERCENT OF THE FINE SHALL BE TRANSFERRED TO THE COUNTY TREASURER.
12 THE COUNTY TREASURER SHALL TRANSFER ONE HUNDRED PERCENT OF THE FINE TO THE
13 STATE TREASURER WHO SHALL DEPOSIT THE MONIES IN THE COOPERATIVE FORESTRY
14 FUND ESTABLISHED BY SECTION 37-1306. THE STATE FORESTER, IN CONSULTATION
15 WITH THE STATE DEPARTMENT OF CORRECTIONS, SHALL USE THE MONIES FOR FIRE
16 RESTORATION AND REHABILITATION COSTS IN THIS STATE.

17 Sec. 3. Section 37-1306, Arizona Revised Statutes, is amended to
18 read:

19 37-1306. Cooperative forestry fund; purpose; uses; exemption

20 A. The cooperative forestry fund is established. The state
21 forester shall administer the fund.

22 B. Except as otherwise provided in this chapter, the state forester
23 shall deposit, pursuant to sections 35-146 and 35-147, in this fund all
24 monies appropriated to this fund and monies received from individuals,
25 businesses, any public agency as defined in section 11-951, and any other
26 sources.

27 C. Appropriations, grants, gifts and contributions **FOR** hazardous
28 vegetation removal received from any public or private source must be used
29 for hazardous vegetation removal pursuant to section 37-483.

30 D. Monies deposited pursuant to an intergovernmental agreement or a
31 memorandum of understanding entered into pursuant to section 37-483 must
32 be used for the purposes outlined in the agreement or memorandum.

33 E. THE STATE FORESTER, IN CONSULTATION WITH THE STATE DEPARTMENT OF
34 CORRECTIONS, SHALL USE MONIES IN THE FUND DEPOSITED PURSUANT TO SECTION
35 13-1710 FOR FIRE RESTORATION AND REHABILITATION COSTS IN THIS STATE.

36 ~~F.~~ F. Monies in the fund are continuously appropriated for the
37 purpose of conducting the activities of the state forester.

38 ~~F.~~ G. Monies in the fund are exempt from the provisions of section
39 35-190 relating to lapsing of appropriations.