**A** **BILL**

TO AMEND SECTION 16‑11‑700, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL LITTERING AND PENALTIES AND OTHER PROVISIONS REGARDING LITTERING, SO AS TO REVISE PENALTIES FOR VIOLATION WHERE THE LITTER INVOLVED IS A CIGARETTE OR CIGARETTE COMPONENT; AND BY ADDING SECTION 16‑11‑705 SO AS TO MAKE UNLAWFUL DUMPING OF EGREGIOUS LITTER BY MEANS OF A TRUCK OR OTHER MOTORIZED VEHICLE OR CONVEYANCE A SEPARATE OFFENSE, AND PROVIDE PENALTIES FOR VIOLATION TO INCLUDE MAKING THIRD OR SUBSEQUENT VIOLATIONS A FELONY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑11‑700(G) of the 1976 Code is amended to read:

“(G) For purposes of the offenses established by this section, litter includes cigarettes and cigarette ~~filters~~ components. However, nothwithstanding any other provision of this section, a person violating the provisions of this section where the litter involved is a cigarette or cigarette component is guilty of a misdemeanor and upon conviction must be fined an amount not exceeding fifty dollars. Each unlawful deposit of cigarettes or cigarette components in an unauthorized location constitutes a separate offense. In lieu of imposing a monetary fine, the court may order community public service relating to the removal of cigarette or cigarette component refuse or other unlawful litter.”

SECTION 2. Article 7, Chapter 11, Title 16 of the 1976 Code is amended by adding:

“Section 16‑11‑705. (A) It is unlawful for a person to dump egregious litter by means of a truck or other motorized vehicle or conveyance unless authorized to do so by law or by a duly issued permit in or on a:

(1) public highway, road, street, alley, or thoroughfare, including any portion of the right of way, or on any other public lands except in containers or areas lawfully provided for this dumping;

(2) fresh‑water lake, river, canal, or stream or tidal or coastal waters of the state; or

(3) private property that is not an approved landfill operated for the purpose of accepting this litter or waste.

(B) A person violating the provisions of subsection (A) is guilty of a misdemeanor and upon conviction for a first or second offense must be fined not more than two thousand five hundred dollars or imprisoned for not more than one year, or both. These violations are under the jurisdiction of magistrates and municipal courts. Any person violating the provisions of subsection (A) for a third or subsequent time is guilty of a felony and upon conviction, must be fined in an amount not exceeding ten thousand dollars or imprisoned for a term not exceeding three years, or both. These violations are under the jurisdiction of the court of general sessions. Each violation constitutes a separate offense.

(C) Violations of this section are supplemental to the provisions of Section 16‑11‑700.

(D) ‘Egregious litter’ for purposes of this section means litter or solid waste as defined in Section 44‑96‑40(6), (32), (33), (43), (46), (58), (67), (73), and (74) to include any discarded dead animals or deal animal parts.”

SECTION 3. This act takes effect upon approval by the Governor.

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