**A** **BILL**

TO AMEND SECTION 16‑11‑700 OF THE 1976 CODE, RELATING TO THE PROHIBITION AGAINST DUMPING LITTER ON PUBLIC OR PRIVATE PROPERTY, TO DEFINE ‘LITTER’, TO PROVIDE THAT VIOLATIONS MUST BE RECORDED ON THE LITTER OFFENDER DATABASE, AND TO PROVIDE SUMMARY COURT WITH JURISDICTION TO HEAR CASES REGARDING VIOLATIONS OF SECTION 16-11-700; TO AMEND SECTION 16‑11‑720, RELATING TO THE PROHIBITION AGAINST DUMPING TRASH IN LAKE GREENWOOD OR ALONG ITS SHORELINE, TO PROVIDE THAT VIOLATIONS MUST BE RECORDED A LITTER OFFENDER DATABASE; AND BY ADDING SECTION 44‑67‑140, TO ESTABLISH A LITTER OFFENDER DATABASE TO BE MAINTAINED AND OPERATED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE CONTENTS OF THE DATABASE, AND TO PROVIDE FOR THE LENGTH OF TIME THAT AN OFFENDER’S NAME AND OTHER REQUIRED INFORMATION MUST BE MAINTAINED ON THE DATABASE.

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

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

“(A) A person, from a vehicle or otherwise, may not dump, throw, drop, deposit, discard, or otherwise dispose of litter, as defined in Section 44‑67‑30(4), or other solid waste, as defined by Section 44‑96‑40(46), upon public or private property or waters in the State including, but not limited to, a highway, park, beach, campground, forest land, recreational area, trailer park, road, street, or alley except:

(1) on property designated by the State for the disposal of litter and other solid waste and the person is authorized to use the property for that purpose; or

(2) into a litter receptacle in a manner that the litter is prevented from being carried away or deposited by the elements upon a part of the private or public property or waters.”

B. Section 16‑11‑700(C)(2) of the 1976 Code is amended to read:

“(2) The fine for a deposit of a collection of litter or garbage in an area or facility not intended for public deposit of litter or garbage is one thousand dollars. The provisions of this item apply to a deposit of litter, as defined in Section 44‑67‑30(4), or garbage, as defined in Section 44‑67‑30(4), in an area or facility not intended for public deposit of litter or garbage. This item does not prohibit a private property owner from depositing litter or garbage as a property enhancement if the depositing does not violate applicable local or state health and safety regulations. In addition to a fine and for each offense pursuant to the provisions of this item, the court also shall impose a minimum of ~~five~~ ten hours of litter‑gathering labor or other form of public service, under the supervision of the court, as the court may order because of physical or other incapacities.”

C. Section 16‑11‑700 of the 1976 Code is amended to by adding two new lettered subsections to read:

“( ) The order of the court must be transmitted to the Department of Health and Environmental Control to be posted on the litter offender’s registry pursuant to Section 44‑67‑140.

( ) Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, and 22‑3‑550, an offense punishable under this section may be tried in summary court.”

SECTION 2. Section 16‑11‑720 of the 1976 Code is amended to read:

“Section 16‑11‑720. ~~(1)~~(A) It shall be unlawful for any person to dump, leave or throw any rubbish, trash, garbage, cans, bottles, containers, paper, oil, grease or other similar substances or dead animals into the waters or along the shoreline of Lake Greenwood.

~~(2)~~(B) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than hundred dollars or be imprisoned for not more than thirty days.

(C) The order of the court must be transmitted to the Department of Health and Environmental Control to be posted on the litter offender’s registry pursuant to Section 44‑67‑140.”

SECTION 3. Chapter 67, Title 44 of the 1976 Code is amended by adding:

“Section 44‑67‑140. The department must develop and maintain a registry containing the name and address of any person convicted of an offense contained in Section 16‑11‑700 or 16‑11‑720. The registry must also include the nature of the offense and the penalty imposed. The person’s name must remain on the registry for one year from the date of his conviction. The registry must be in a conspicuous location on the department’s Internet website.”

SECTION 4. This act takes effect July 1, 2011.

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