

AMENDED IN ASSEMBLY MAY 8, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 679

Introduced by Assembly Member Benoit

February 21, 2007

An act to add Section 374.9 to the Penal Code, relating to illegal dumping.

LEGISLATIVE COUNSEL'S DIGEST

AB 679, as amended, Benoit. Illegal dumping: assessments.

Existing law establishes various offenses for littering and illegal dumping. *Existing law authorizes civil fines upon conviction for a violation of various environmental laws.*

This bill would require the court to impose a civil assessment on violators equal to the ~~fine imposed on the offenders for~~ *actual cost of cleanup incurred by the city or county that results from* committing certain littering or illegal dumping offenses. The bill would require that the assessments be deposited in the city's or county's general fund for use for illegal dumping enforcement, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 374.9 is added to the Penal Code, to read:
- 2 374.9. ~~The court shall impose on the defendant a civil~~
- 3 ~~assessment equal to the amount of the fine imposed on the~~
- 4 ~~defendant for a violation of Section 372, 373a, 374.3, 374.4, 374.7,~~
- 5 ~~or 374.8. The assessment~~

1 374.9. Upon the filing of a criminal complaint for a violation
2 of Section 372, 373a, 374.3, 374.4, 374.7, or 374.8, the prosecutor
3 shall also submit information to the court on the amount of the
4 actual cost incurred by the city or county to clean up the waste,
5 litter, or other illegal substance that is the subject of the violation.
6 Every person found guilty of any of those offenses shall be required
7 to pay that amount, in addition to any other fines, fees, or penalties
8 imposed. The amount assessed for actual cleanup shall be deposited
9 in the general fund of the city or, if not within a city, the county,
10 where the violation occurred and shall be used for the city's or
11 county's illegal dumping enforcement program.

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