

AMENDED IN SENATE JUNE 1, 2015  
AMENDED IN ASSEMBLY APRIL 23, 2015  
AMENDED IN ASSEMBLY MARCH 26, 2015  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 144**

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**Introduced by Assembly Member Mathis**  
*(Principal coauthor: Assembly Member Quirk)*

January 13, 2015

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An act to amend Section 374.3 of the Penal Code, relating to dumping.

LEGISLATIVE COUNSEL'S DIGEST

AB 144, as amended, Mathis. Dumping.

Existing law prohibits dumping waste matter in or upon a public or private highway or road, or in or upon private property into or upon which the public is admitted by easement or license, or upon private property without the consent of the owner, or in or upon a public park or other public property. A violation of these provisions is an infraction punishable by a fine between \$250 and \$1,000 for a first conviction, between \$500 and \$1,500 for a 2nd conviction, and between \$750 and \$3,000 for a 3rd or subsequent conviction.

This bill would make dumping waste matter on private property, including on any private road or highways, without the consent of the owner punishable by a fine between \$250 and \$1,000 for a first conviction, between \$500 and \$1,500 for a 2nd conviction, and between \$750 and \$3,000 for a 3rd ~~or~~ conviction. The bill would make a ~~fourth~~ 4th or subsequent conviction a misdemeanor punishable by

imprisonment in a county jail for not more than 30 days and by a fine of not less than \$750 nor more than \$3,000.

By changing the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 374.3 of the Penal Code is amended to  
2 read:

3 374.3. (a) It is unlawful to dump or cause to be dumped waste  
4 matter in or upon a public highway or road, including any portion  
5 of the right-of-way thereof, or in or upon private property into or  
6 upon which the public is admitted by easement or license, or in or  
7 upon a public park or other public property other than property  
8 designated or set aside for that purpose by the governing board or  
9 body having charge of that property.

10 (b) It is unlawful to place, deposit, or dump, or cause to be  
11 placed, deposited, or dumped, rocks, concrete, asphalt, or dirt in  
12 or upon a private highway or road, including any portion of the  
13 right-of-way of the private highway or road, or private property,  
14 without the consent of the owner or a contractor under contract  
15 with the owner for the materials, or in or upon a public park or  
16 other public property, without the consent of the state or local  
17 agency having jurisdiction over the highway, road, or property.

18 (c) A person violating subdivision (a) or (b) is guilty of an  
19 infraction. Each day that waste placed, deposited, or dumped in  
20 violation of subdivision (a) or (b) remains *unabated* is a separate  
21 violation.

22 (d) This section does not restrict a private owner in the use of  
23 his or her own private property, unless the placing, depositing, or  
24 dumping of the waste matter on the property creates a public health  
25 and safety hazard, a public nuisance, or a fire hazard, as determined  
26 by a local health department, local fire department or district

1 providing fire protection services, or the Department of Forestry  
2 and Fire Protection, in which case this section applies.

3 (e) A person convicted of a violation of subdivision (a) or (b)  
4 shall be punished by a mandatory fine of not less than two hundred  
5 fifty dollars (\$250) nor more than one thousand dollars (\$1,000)  
6 upon a first conviction, by a mandatory fine of not less than five  
7 hundred dollars (\$500) nor more than one thousand five hundred  
8 dollars (\$1,500) upon a second conviction, and by a mandatory  
9 fine of not less than seven hundred fifty dollars (\$750) nor more  
10 than three thousand dollars (\$3,000) upon a third or subsequent  
11 conviction. If the court finds that the waste matter placed,  
12 deposited, or dumped was used tires, the fine prescribed in this  
13 subdivision shall be doubled.

14 (f) The court may require, in addition to any fine imposed upon  
15 a conviction, that, as a condition of probation and in addition to  
16 any other condition of probation, a person convicted under this  
17 section remove, or pay the cost of removing, any waste matter  
18 which the convicted person dumped or caused to be dumped upon  
19 public or private property.

20 (g) Except when the court requires the convicted person to  
21 remove waste matter which he or she is responsible for dumping  
22 as a condition of probation, the court may, in addition to the fine  
23 imposed upon a conviction, require as a condition of probation, in  
24 addition to any other condition of probation, that a person convicted  
25 of a violation of this section pick up waste matter at a time and  
26 place within the jurisdiction of the court for not less than 12 hours.

27 (h) (1) A person who places, deposits, or dumps, or causes to  
28 be placed, deposited, or dumped, waste matter in violation of this  
29 section in commercial quantities shall be guilty of a misdemeanor  
30 punishable by imprisonment in a county jail for not more than six  
31 months and by a fine. The fine is mandatory and shall amount to  
32 not less than one thousand dollars (\$1,000) nor more than three  
33 thousand dollars (\$3,000) upon a first conviction, not less than  
34 three thousand dollars (\$3,000) nor more than six thousand dollars  
35 (\$6,000) upon a second conviction, and not less than six thousand  
36 dollars (\$6,000) nor more than ten thousand dollars (\$10,000) upon  
37 a third or subsequent conviction.

38 (2) “Commercial quantities” means an amount of waste matter  
39 generated in the course of a trade, business, profession, or  
40 occupation, or an amount equal to or in excess of one cubic yard.

1 This subdivision does not apply to the dumping of household waste  
2 at a person's residence.

3 (i) (1) A person who places, deposits, or dumps, or causes to  
4 be placed, deposited, or dumped, waste matter upon private  
5 property, including on any private highway or road, without the  
6 consent of the owner shall be punished by a fine. The fine is  
7 mandatory and shall amount to not less than two hundred fifty  
8 dollars (\$250) nor more than one thousand dollars (\$1,000) upon  
9 a first conviction, not less than five hundred dollars (\$500) nor  
10 more than one thousand five hundred dollars (\$1,500) upon a  
11 second conviction, and not less than seven hundred fifty dollars  
12 (\$750) nor more than three thousand dollars (\$3,000) upon a third  
13 conviction. Upon a fourth or subsequent conviction, the person is  
14 guilty of a misdemeanor punishable by imprisonment in a county  
15 jail for not more than 30 days and by a fine of not less than seven  
16 hundred fifty dollars (\$750) nor more than three thousand dollars  
17 (\$3,000).

18 (2) If the court finds that the waste matter placed, deposited,  
19 or dumped includes used tires, the fine prescribed in this  
20 subdivision shall be doubled. A separate fine in the same amount  
21 as initially imposed shall accrue for each day that waste placed,  
22 deposited, or dumped—~~remaining~~ *remains* unabated, but no  
23 additional conviction for the purposes of punishments in paragraph  
24 (1) shall arise for the same act. For the fourth or subsequent  
25 violation, each day that waste placed, deposited, or dumped remains  
26 shall not result in the accrual of a separate fine or violation for the  
27 purposes of punishments in paragraph (1).

28 (j) For purposes of this section, "person" means an individual,  
29 trust, firm, partnership, joint stock company, joint venture, or  
30 corporation.

31 (k) Except in unusual cases where the interests of justice would  
32 be best served by waiving or reducing a fine, the minimum fines  
33 provided by this section shall not be waived or reduced.

34 SEC. 2. No reimbursement is required by this act pursuant to  
35 Section 6 of Article XIII B of the California Constitution because  
36 the only costs that may be incurred by a local agency or school  
37 district will be incurred because this act creates a new crime or  
38 infraction, eliminates a crime or infraction, or changes the penalty  
39 for a crime or infraction, within the meaning of Section 17556 of  
40 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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