

HOUSE BILL 65

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to the illegal disposal of waste.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-505, is amended by deleting subsections (a) and (b) in their entirety and by substituting instead the following:

(a) Aggravated criminal littering is littering:

(1) In an amount exceeding ten pounds (10 lbs.) in weight or fifteen (15) cubic feet in volume and less than or equal to one hundred pounds (100 lbs.) in weight or thirty (30) cubic feet in volume; or

(2) In any amount for any commercial purpose.

(b) Aggravated criminal littering is a Class A misdemeanor.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 14, Part 5, is amended by adding the following language as a new, appropriately designated section:

39-14-5__:

(a) A person commits dumping who knowingly disposes of waste or knowingly allows the disposal of waste on any public or private property in an amount exceeding one hundred pounds (100 lbs.) in weight or thirty (30) cubic feet in volume, unless the public or private property is a disposal site that has a valid permit issued by the department of environment and conservation.

(b) Dumping shall be punished as theft and graded as provided in § 39-14-105. The value shall be determined based on § 39-11-106.

(c) In addition to the penalties established in this section, the court

shall require a person convicted under this section to remove litter from the

state or local highway system, public playgrounds, public parks, or other appropriate public locations for not more than one hundred sixty (160) hours. The court, in its discretion, may also require a person convicted under this section to work in a recycling center or other appropriate location for any stated period of time not to exceed eight (8) hours.

SECTION 3. Tennessee Code Annotated, Section 39-14-501, is amended by adding the following as a new, appropriately designated subsection:

() "Waste" means garbage, litter, refuse, and rubbish, as defined in this part, and also includes, but is not limited to, trash, tires, sludge, solid material, liquid material, semisolid material, gaseous material, spent material, byproducts, scrap, and ash.

SECTION 4. Tennessee Code Annotated, Section 39-14-511, is amended by deleting the section in its entirety and by substituting instead the following new language:

39-14-511. With the exception of charges for dumping under § 39-14-512, in counties with an environmental court designated pursuant to Acts 1991, chapter 426, the courts shall exercise exclusive general sessions jurisdiction, over this part, pursuant to title 40.

SECTION 5. Tennessee Code Annotated, Section 39-11-106(a), is amended by deleting subdivision (36)(A) in its entirety and by substituting instead the following new language:

(A) Subject to the additional criteria of subdivisions (a)(36)(B)-(D), "value" under this title means:

(i) The fair market value of the property of service at the time and place of the offense;

(ii) If the fair market value of the property cannot be ascertained, the cost of replacing the property within a reasonable time after the offense; or

(iii) The cost or estimated cost of cleaning up the property, whichever is greater.

SECTION 6. This act shall take effect on July 1, 2013, the public welfare requiring it.