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## LITTERING PENALTIES

House Bill 4767 (Substitute H-1)  
First Analysis (6-17-93)

Sponsor: Rep. Carl F. Gnodtke  
Committee: Judiciary

### ***THE APPARENT PROBLEM:***

Many find littering to be a particularly offensive act. In its milder forms, it defaces the landscape and spoils the looks of public places. In its more serious forms of illegal dumping, it subverts laws on waste disposal. Penalties for littering have not been changed since at least 1973, and continue to be relatively mild--up to 90 days in jail, a fine of up to \$400, or some combination of the two. While the court may order an offender to pick up litter, it may do so only in lieu of imposing a fine or jail time. Problems with illegal dumping and littering were acknowledged by the House Republican Task Force on Recycling and Waste Reduction when it said in its report that "Michigan must come down harder on individuals who illegally dump garbage along our roads." The task force urged an increase in the penalties for littering.

### ***THE CONTENT OF THE BILL:***

The bill would amend the litter law, Public Act 106 of 1963, to require a litterer to be fined at least \$100, to increase the maximum fine from \$400 to \$500, and to require the court to order community service in the form of litter-gathering labor. The offense would continue to be a misdemeanor punishable by up to 90 days in jail.

MCL 752.903

### ***FISCAL IMPLICATIONS:***

Fiscal information is not available at present. (6-16-93)

### ***ARGUMENTS:***

#### ***For:***

Penalties for littering have not been changed for decades and are now perceived to be woefully inadequate. While the particularly appropriate penalty of litter-gathering labor may be imposed, it may not be imposed in conjunction with a fine or

jail time. Allowable fines are too low, being capped at \$400. The bill would remedy the situation by hiking the maximum allowable fine to \$500, requiring a minimum fine of \$100, and requiring the court to in addition order community service in the form of litter-gathering labor.

#### ***Against:***

Mandatory penalties, even those as seemingly minor as the bill's, can operate against the interests of justice by undermining judicial discretion to tailor sentences to fit the circumstances of a case. Further, community service can be relatively costly for courts to administer; it may be that mandatory community service would further strain already overburdened court resources.

### ***POSITIONS:***

There are no positions at present. (6-16-93)

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