



**House
Legislative
Analysis
Section**

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SEIZE LITTERERS' PROPERTY

**House Bills 4789 and 4790
Sponsor: Rep. David Anthony
Committee: Conservation,
Environment & Great Lakes**

Complete to 4-5-94

A SUMMARY OF HOUSE BILLS 4789-4790 AS INTRODUCED 5-18-93

House Bills 4789 and 4790 would amend Public Act 106 of 1963, which prohibits littering, and the Revised Judicature Act (RJA), respectively, to permit property that has been used in the commission of littering offenses to be subject to the forfeiture provisions of the RJA. The bills are tie-barred to each other.

Currently, under Public Act 106 of 1963, littering is considered a misdemeanor, punishable by imprisonment for up to 90 days, a fine of up to \$400, or both; if the litter is produced at a health facility, the penalty is imprisonment for up to six months, a fine of up to \$1,000, or both. Additional penalties are provided for subsequent violations and for violations involving litter that is considered infectious, or pathological waste, or sharps. Under House Bill 4789, a person who violated the criminal provisions of the littering act (MCL 752.901 et al.) would be subject to the forfeiture provisions of the RJA. In addition, the following penalties would apply:

--A civil fine of up to \$600 if the amount of the litter was less than one cubic foot in volume.

--A civil fine of up to \$800 if the amount of the litter was more than one cubic foot in volume; and, in addition, the person would be subject to the forfeiture of property provisions of the RJA.

--A default on the payment of a civil fine or costs, or on an installment of the fine or costs, could be remedied by any means authorized under RJA.

The Revised Judicature Act (MCL 600.4701 et al.) provides for forfeiture to the government of property used for, or obtained through, the commission of any of several crimes that are named in the act. Under House Bill 4790, a violation of the littering act in a criminal proceeding would be included among the crimes named in the act; and the civil offense of littering would be added to the list of offenses for which a person's property would be subject to forfeiture.

HOUSE BILLS 4789 and 4790 (4-5-94)