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HOUSE BILL 218

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

David C. Chavez

AN ACT

RELATING TO LITTER; AMENDING SECTION 30-8-4 NMSA 1978 (BEING LAWS 1963, CHAPTER 303, SECTION 8-4, AS AMENDED) TO PROVIDE FOR A FINE OF FIVE HUNDRED DOLLARS (\$500).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 30-8-4 NMSA 1978 (being Laws 1963, Chapter 303, Section 8-4, as amended) is amended to read:

"30-8-4. LITTERING.--

A. Littering consists of discarding refuse:

(1) on public property in any manner other than by placing the refuse in a receptacle provided for the purpose by the responsible governmental authorities or otherwise in accordance with lawful direction; or

(2) on private property not owned or lawfully occupied or controlled by the person, except with the consent

underscored material = new  
~~[bracketed material] = delete~~

underscoring material = new  
~~[bracketed material] = delete~~

1 of ~~[the]~~ its owner, lessee or occupant ~~[thereof]~~.

2 B. Whoever commits littering is guilty of a petty  
3 misdemeanor and shall be punished by a fine of five hundred  
4 dollars (\$500). The use of uniform traffic citations is  
5 authorized for the enforcement of this section. The court may  
6 to the extent permitted by law, as a condition to suspension of  
7 any other penalty provided by law, require a person who commits  
8 littering to pick up and remove from any public place or any  
9 private property, with prior permission of the legal owner, any  
10 litter deposited thereon.

11 C. Any jail sentence imposed pursuant to Subsection  
12 B of this section may be suspended, in the discretion of the  
13 magistrate or judge, upon conditions that the offender assist  
14 in litter cleanup in the jurisdiction for a period not to  
15 exceed the length of the suspended sentence."