

FIRST REGULAR SESSION

HOUSE BILL NO. 1164

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOLL.

2614H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 577.070, RSMo, and to enact in lieu thereof one new section relating to the offense of littering, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 577.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 577.070, to read as follows:

577.070. 1. A person commits the offense of littering if he or she places, deposits, or causes to be placed or deposited, any glass, glass bottles, **waste materials resulting from the intentional outdoor release or abandonment of one or more balloons**, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the federal government or on any private real property owned by another without the owner's consent.

2. **Except as provided in subsection 3 of this section**, the offense of littering is a class C misdemeanor unless:

(1) Such littering creates a substantial risk of physical injury or property damage to another; or

(2) The person has been found guilty of a violation of this section or an offense committed in another jurisdiction which, if committed in this state, would be a violation under this section, in which case it is a class A misdemeanor.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **3. If the offense of littering involves the intentional outdoor release or**
18 **abandonment of one or more balloons, the following penalties shall apply:**

19 **(1) For a first offense if a person intentionally releases or abandons ten balloons**
20 **or fewer, the person shall be subject to a fine that is no less than one hundred dollars but**
21 **no more than five hundred dollars. Any second or subsequent offense shall result in a**
22 **fine no less than five hundred one dollars but no more than one thousand dollars;**

23 **(2) For a first offense if a person intentionally releases or abandons eleven or**
24 **more balloons, the person shall be subject to a fine that is no less than five hundred**
25 **dollars. Any second or subsequent offense shall result in a fine no less than two**
26 **thousand dollars.**

27 **4. It is a violation of this section for a person to intentionally release or abandon**
28 **outdoors a balloon that is inflated or filled with a gas that is lighter than air, except that**
29 **it is not a violation of this section for a person to:**

30 **(1) Unintentionally release balloons in any amount; or**

31 **(2) Intentionally release or abandon outdoors a balloon carrying scientific**
32 **instrumentation, a balloon used for meteorological observation by a government or**
33 **scientific organization, or a hot air balloon that is recovered after launching.**

34 **5. As used in this section, "balloon" means a flexible, nonporous bag made from**
35 **materials such as rubber, latex, polychloroprene, or nylon fabric that can be inflated or**
36 **filled with gas or fluid, such as helium, hydrogen, nitrous oxide, oxygen, air, or water,**
37 **and then sealed at the neck of the bag.**

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