
SENATE BILL NO. 449—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S
COMMITTEE TO STUDY THE DEPOSITS AND
REFUNDS ON RECYCLED PRODUCTS)

MARCH 25, 2013

Referred to Committee on Health and Human Services

SUMMARY—Revises certain provisions relating to the unlawful disposal of solid waste, sewage or other similar materials. (BDR 40-121)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; increasing the period during which a person is subject to additional penalties upon conviction of a third or subsequent offense of the unlawful disposal of solid waste, sewage or certain other similar materials; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth penalties for a person who is found guilty of illegally disposing of solid waste, sewage or certain other similar materials three or more times during a period of 2 years. Such an offender: (1) is guilty of a gross misdemeanor; and (2) must be imprisoned in the county jail for 1 year, clean up the dump site and perform community service. (NRS 444.630)

This bill increases from 2 years to 4 years the period during which a third or subsequent offense subjects the offender to those penalties.



★ S B 4 4 9 ★

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 444.630 is hereby amended to read as follows:
2 444.630 1. A person who places, deposits or dumps, or who
3 causes to be placed, deposited or dumped, or who causes or allows
4 to overflow, any sewage, sludge, cesspool or septic tank effluent, or
5 accumulation of human excreta, or any solid waste, in or upon any
6 street, alley, public highway or road in common use, or upon any
7 public park or other public property other than property designated
8 or set aside for such a purpose by the governing body having charge
9 thereof, or upon any private property, is guilty of:

10 (a) ~~For~~ *Except as otherwise provided in paragraph (c), for* a
11 first offense within the immediately preceding 2 years, a
12 misdemeanor.

13 (b) ~~For~~ *Except as otherwise provided in paragraph (c), for* a
14 second offense within the immediately preceding 2 years, a gross
15 misdemeanor and shall be punished by imprisonment in the county
16 jail for not less than 14 days but not more than 1 year. *An offense*
17 *that occurred within 2 years immediately preceding the date of the*
18 *principal offense or after the principal offense constitutes a prior*
19 *offense for the purposes of this paragraph when evidenced by a*
20 *conviction, without regard to the sequence of the offenses and*
21 *convictions.*

22 (c) For a third or subsequent offense within the immediately
23 preceding ~~4~~ 4 years, a gross misdemeanor and shall be punished
24 by imprisonment in the county jail for 1 year. *An offense that*
25 *occurred within 4 years immediately preceding the date of the*
26 *principal offense or after the principal offense constitutes a prior*
27 *offense for the purposes of this paragraph when evidenced by a*
28 *conviction, without regard to the sequence of the offenses and*
29 *convictions.*

30 2. In addition to any criminal penalty imposed pursuant to
31 subsection 1, any civil penalty imposed pursuant to NRS 444.635
32 and any administrative penalty imposed pursuant to NRS 444.629, a
33 court shall sentence a person convicted of violating subsection 1:

34 (a) If the person is a natural person, to clean up the dump site
35 and perform 10 hours of community service under the conditions
36 prescribed in NRS 176.087.

37 (b) If the person is a business entity:

38 (1) ~~For~~ *Except as otherwise provided in subparagraph (2),*
39 *for* a first or second offense within the immediately preceding 2
40 years, to:

41 (I) Clean up the dump site; and



* S B 4 4 9 *

(II) Perform 40 hours of community service cleaning up other dump sites identified by the solid waste management authority.

(2) For a third or subsequent offense within the immediately preceding ~~12~~ 4 years, to:

(I) Clean up the dump site; and

(II) Perform 200 hours of community service cleaning up other dump sites identified by the solid waste management authority.

3. If a person is sentenced to clean up a dump site pursuant to subsection 2, the person shall:

(a) Within 3 calendar days after sentencing, commence cleaning up the dump site; and

(b) Within 5 business days after cleaning up the dump site, provide to the solid waste management authority proof of the lawful disposal of the sewage, solid waste or other matter that the person was convicted of disposing of unlawfully.

➤ The solid waste management authority shall prescribe the forms of proof which may be provided to satisfy the provisions of paragraph (b).

4. In addition to any other penalty prescribed by law, if a business entity is convicted of violating subsection 1:

(a) Such violation constitutes reasonable grounds for the revocation of any license to engage in business that has been issued to the business entity by any governmental entity of this State; and

(b) The solid waste management authority may seek the revocation of such a license by way of any applicable procedures established by the governmental entity that issued the license.

5. Except as otherwise provided in NRS 444.585, ownership of solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any solid waste which is disposed of in violation of subsection 1 creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

6. All:

(a) Health officers and their deputies;

(b) Game wardens;

(c) Police officers of cities and towns;

(d) Sheriffs and their deputies;

(e) Other peace officers of the State of Nevada; and



1 (f) Other persons who are specifically designated by the local
2 government to do so,
3 ➡ shall, within their respective jurisdictions, enforce the provisions
4 of this section.

5 7. A district health officer or a deputy of the district health
6 officer or other person specifically designated by the local
7 government to do so may issue a citation for any violation of this
8 section which occurs within the jurisdiction of the district health
9 officer.

10 8. To effectuate the purposes of this section, the persons
11 charged with enforcing this section may request information from
12 any:

- 13 (a) Agency of the State or its political subdivisions.
14 (b) Employer, public or private.
15 (c) Employee organization or trust of any kind.
16 (d) Financial institution or other entity which is in the business
17 of providing credit reports.
18 (e) Public utility.

19 ➡ Each of these persons and entities, their officers and employees,
20 shall cooperate by providing any information in their possession
21 which may aid in the location and identification of a person believed
22 to be in violation of subsection 1. A disclosure made in good faith
23 pursuant to this subsection does not give rise to any action for
24 damages for the disclosure.

