

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 effluent or solid waste. (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.

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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 involving the unlawful disposal of any cesspool or septic tank effluent or solid waste; 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 involving the illegal disposal of any cesspool or septic tank effluent or solid waste subjects the offender to those penalties.



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

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

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

(b) ~~For~~ *Except as otherwise provided in paragraph (c), for a second offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 14 days but not more than 1 year.*

(c) ~~For~~ *Except as otherwise provided in this paragraph, for a third or subsequent offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for 1 year.*

~~12-1~~ *If, within the immediately preceding 4 years, a person commits three or more offenses that involve placing, depositing or dumping, or causing to be placed, deposited or dumped, any cesspool or septic tank effluent or solid waste, the person is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for 1 year.*

2. For the purposes of subsection 1, an offense that occurred within 2 or 4 years, as applicable, immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

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

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

(b) If the person is a business entity:

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



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(I) Clean up the dump site; and
(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 2 *or 4* years, *as applicable pursuant to paragraph (c) of subsection 1*, 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.

~~13-1~~ 4. If a person is sentenced to clean up a dump site pursuant to subsection ~~12-1~~ 3, 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).

~~14-1~~ 5. 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.

~~15-1~~ 6. 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.

~~16-1~~ 7. All:

(a) Health officers and their deputies;

(b) Game wardens;

(c) Police officers of cities and towns;

(d) Sheriffs and their deputies;



1 (e) Other peace officers of the State of Nevada; and
2 (f) Other persons who are specifically designated by the local
3 government to do so,

4 ➤ shall, within their respective jurisdictions, enforce the provisions
5 of this section.

6 ~~17~~ 8. A district health officer or a deputy of the district health
7 officer or other person specifically designated by the local
8 government to do so may issue a citation for any violation of this
9 section which occurs within the jurisdiction of the district health
10 officer.

11 ~~18~~ 9. To effectuate the purposes of this section, the persons
12 charged with enforcing this section may request information from
13 any:

14 (a) Agency of the State or its political subdivisions.

15 (b) Employer, public or private.

16 (c) Employee organization or trust of any kind.

17 (d) Financial institution or other entity which is in the business
18 of providing credit reports.

19 (e) Public utility.

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

