

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2838**

By Delegate Dillon

[Introduced January 19, 2023; Referred to the Committee on the Judiciary then

Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §22-15B-1, §22-15B-2, §22-15B-3, and §22-15B-4, all relating to the  
 3 establishment of the Litterbug Act; creating a short title; providing for legislative findings  
 4 and a purpose; providing for enactment of the article and funding; and providing for a  
 5 notice requirement.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 15B. LITTERBUG ACT.**

**§22-15B-1. Short title.**

1 This article shall be known as the "Litterbug Act."

**§22-15B-2. Legislative findings and purpose.**

1 The Legislature finds that litter is a public nuisance and distracts from the beauty of the  
 2 state and its natural resources, and that having photographic evidence is the best solution to  
 3 ensuring that those who commit littering offences.

**§22-15B-3. Enactment; funding.**

1 (a) Counties shall be responsible for the placement of remote cameras to be placed in high  
 2 traffic locations along public highways of previous littering for capturing evidence of illegal  
 3 dumping of trash, tires, and other litter. Areas where prior littering of these items have occurred are  
 4 to be given priority.

5 (b) The prosecutor of each county, upon submission of evidence from law enforcement,  
 6 shall have the duty to prosecute such cases when evidence is presented by law enforcement.

7 (c) In such cases as the prosecutor may claim:

8 (1) For cases with insufficient evidence - a file for each named defendant shall be retained  
 9 in the office of the prosecutor for continued collection of evidence toward future prosecution

10 (2) For cases with insufficient time and resources to prosecute – the prosecutor shall report  
 11 a list of such cases to the county commission with an explanation of the expected time and  
 12 resources required to fully prosecute.

13 (d) It shall be the duty of the county commission to dedicate such resources as shall be  
14 necessary to facilitate prosecution of such cases.

15 (e) In such event that county commission cannot identify sufficient resources to facilitate  
16 prosecution, commission shall convene a special public meeting to address the following:

17 (1) Specific cases with paused prosecution;

18 (2) Reasons for paused status; and

19 (3) Necessary resources to resume prosecution efforts.

20 (f) The West Virginia Legislature shall appropriate the amount of \$5,000 per county, for a  
21 total of \$275,000, for the placement of the remote cameras.

22 (g) A magistrate or municipal court judge may not dismiss an action brought under the  
23 provisions of this section.

**§22-15B-4. Notice requirement**

1 Public notice shall be given, including but not limited to publishing in a newspaper of  
2 record, no less than two weeks prior to the meeting.

NOTE: The purpose of this bill is to establish the Litterbug Act. The bill creates a short title. The bill provides for legislative findings and a purpose. The bill provides for enactment of the article and funding. Finally, the bill provides for a notice requirement.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.