

1 AN ACT relating to littering and making an appropriation therefor.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF SUBCHAPTER 43 OF KRS CHAPTER
4 224 IS CREATED TO READ AS FOLLOWS:

5 (1) (a) There is hereby established in the State Treasury a trust and agency
6 account to be known as the Keep Kentucky Free of Litter fund. The fund
7 shall consist of moneys received from the fees imposed by Sections 2 and 3
8 of this Act, state appropriations, gifts, grants, and federal funds.

9 (b) The fund shall be administered by the cabinet.

10 (c) Amounts deposited in the fund shall be used for providing cash awards to
11 peace officers as described in this section.

12 (d) Notwithstanding KRS 45.229, fund amounts not expended at the close of a
13 fiscal year shall not lapse but shall be carried forward into the next fiscal
14 year.

15 (e) Any interest earnings of the fund shall become a part of the fund and shall
16 not lapse.

17 (f) Moneys deposited in the fund are hereby appropriated for the purposes set
18 forth in this section and shall not be appropriated or transferred by the
19 General Assembly for any other purposes.

20 (2) Beginning July 1, 2025, any peace officer who has issued a citation in the
21 previous fiscal year for a violation of KRS 224.40-100(5), 224.99-010(10), or
22 433.757 or Section 4 or 6 of this Act shall be eligible for a cash award from the
23 fund established in subsection (1) of this section if that peace officer is within the
24 top twenty (20) officers issuing citations for violation of the statutes cited in this
25 subsection that resulted in a conviction during the fiscal year.

26 (3) The award shall be distributed on a pro rata share based on the peace officer's
27 number of convictions of the amount collected in that fund for the year for the

1 twenty (20) peace officers with the highest number of convictions.

2 (4) The cabinet shall promulgate administrative regulations pursuant to KRS
3 Chapter 13A to implement this section and Sections 2 and 3 of this Act.

4 (5) Any award received by a peace officer shall not be considered creditable
5 compensation in terms of any retirement system the peace officer participates in
6 that is authorized by the Kentucky Revised Statutes.

7 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 23A IS CREATED TO
8 READ AS FOLLOWS:

9 (1) In any conviction under KRS 224.40-100(5), 224.99-010(10), or 433.757 or
10 Section 4 or 6 of this Act, a fee of one hundred dollars (\$100) shall be added to
11 the costs imposed by KRS 23A.205 that the defendant is required to pay.

12 (2) The circuit clerk shall pay the funds from fees collected under this section to the
13 Energy and Environment Cabinet for deposit into the Keep Kentucky Free of
14 Litter fund established in Section 1 of this Act.

15 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 24A IS CREATED TO
16 READ AS FOLLOWS:

17 (1) In any conviction under KRS 224.40-100(5), 224.99-010(10), or 433.757 or
18 Section 4 or 6 of this Act, a fee of one hundred dollars (\$100) shall be added to
19 the costs imposed by KRS 24A.175 that the defendant is required to pay.

20 (2) The circuit clerk shall pay the funds from fees collected under this section to the
21 Energy and Environment Cabinet for deposit into the Keep Kentucky Free of
22 Litter fund established in Section 1 of this Act.

23 ➔Section 4. KRS 433.753 is amended to read as follows:

24 (1) When any paper, waste material, litter, or other refuse, including cigarettes, is
25 thrown or dropped from a motor vehicle, the operator thereof shall be deemed
26 prima facie to be guilty of criminal littering.

27 (2) It shall be the duty of the Department of Kentucky State Police, county sheriffs and

1 police officers, solid waste coordinators appointed by a county or waste
2 management district, city police officers, and all other law enforcement and peace
3 officers within their respective jurisdictions, to enforce the criminal littering laws
4 and the provisions of KRS 224.40-100.

5 (3) Any city or county may offer and pay rewards for the giving of information leading
6 to the arrest and conviction of any person, firm, or corporation for commission of
7 the offense of criminal littering.

8 (4) Violators may prepay to the Circuit Court clerk if prepayment is so noted on the
9 citation and if the littering offense is not combined with an offense that is not
10 prepayable.

11 ➔Section 5. KRS 512.010 is amended to read as follows:

12 The following definitions apply in this chapter unless the context otherwise requires:

13 (1) "Lease or rental agreement" means all agreements, written or oral, embodying the
14 terms and conditions concerning the use and occupancy of a dwelling unit or
15 premises;

16 (2) "Litter" means rubbish, refuse, waste material, offal, paper, glass, cans, bottles,
17 trash, debris, cigarettes, or any foreign substance of whatever kind or description
18 and whether or not it is of value;

19 (3) "Noxious substance" means any substance capable of generating offensive, noxious
20 or suffocating fumes, gases or vapors;

21 (4) "Property" includes livestock as defined in KRS 150.010 and poultry as defined in
22 KRS 246.010;

23 (5) "Residential rental property" means any residential premises or property contained
24 therein leased or otherwise rented to a tenant solely for residential purposes under a
25 lease or rental agreement to which the tenant is a party; and

26 (6) "Tenant" means a person entitled under a lease or rental agreement to occupy a
27 residential rental property to the exclusion of others.

1 ➔Section 6. KRS 512.070 is amended to read as follows:

- 2 (1) A person is guilty of criminal littering when he:
- 3 (a) Drops or permits to drop on a highway any destructive or injurious material
- 4 and does not immediately remove it; or
- 5 (b) Knowingly places or throws litter, including cigarettes, on any public or
- 6 private property or in any public or private water without permission; or
- 7 (c) Negligently places or throws glass or other dangerous pointed or edged
- 8 substances on or adjacent to water to which the public has access for
- 9 swimming or wading or on or within fifty (50) feet of a public highway; or
- 10 (d) Discharges sewage, minerals, oil products, or litter into any public waters or
- 11 lakes within the state.
- 12 (2) Criminal littering is a Class A misdemeanor.
- 13 (3) Violators may prepay to the Circuit Court clerk if prepayment is so noted on the
- 14 citation and if the littering offense is not combined with an offense that is not
- 15 prepayable.
- 16 (4) Notwithstanding any language or provision of this section or KRS 65.8808(3) to the
- 17 contrary, the legislative body of a local government may, by ordinance, choose to
- 18 classify the offenses proscribed in subsection (1) of this section as civil offenses in
- 19 accordance with KRS 65.8808.