MR. SPEAKER:

I move that Engrossed Senate Bill 253 be amended to read as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 14-15-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This section does not apply to a body of water that is under the jurisdiction of the:

(1) department; or

(2) United States Army Corps of Engineers.

(b) As used in this section, "litter" means bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, plastic, or similar refuse.

(c) In the operation or use of watercraft, a person may not throw, dump, place, deposit, or cause or permit to be thrown, dumped, placed, or deposited:

(1) any litter, filth, or putrid or unwholesome substance; or

(2) the contents of a water closet or toilet, catch basin, or grease trap;

in or upon public water or the banks of public water."

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 5. IC 35-45-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally places or leaves refuse on property of another person, except in a container provided for refuse, commits littering, a Class B infraction. However, the offense is a Class A misdemeanor if the refuse is placed or left in, on, or within one hundred (100) feet of a body of water that is under the jurisdiction
of the:

(1) department of natural resources; or

(2) United States Army Corps of Engineers.

(b) "Refuse" includes solid and semisolid wastes, dead animals, and offal.
(c) Evidence that littering was committed from a moving vehicle other than a public conveyance constitutes prima facie evidence that it was committed by the operator of that vehicle.

Page 3, after line 39, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2006] IC 35-45-3-2, as amended by this act, applies only to offenses committed after June 30, 2006."

Renumber all SECTIONS consecutively.

(Reference is to ESB 253 as printed February 14, 2006.)

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Representative Goodin