

Date of Hearing: April 7, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2310 (Carrillo) – As Introduced February 19, 2026

As Proposed to be Amended in Committee

SUMMARY: Increases penalties for a fourth or subsequent illegal dumping offense from an infraction to a misdemeanor, with a fine of up to \$5,000, and increases penalties for commercial quantities of illegal dumping with fines of up to \$50,000. Specifically, **this bill:**

- 1) Increases the penalty for an fourth or subsequent offense of illegal dumping to a misdemeanor, punishable by imprisonment in the county jail for no more than six months and by a mandatory fine of not less than \$3,000 nor more than \$5,000. If the court finds that the waste matter, rocks, concrete, asphalt, dirt, or other construction debris placed, deposited, dumped, or transported was used tires, the fine shall be doubled.
- 2) Provides that a person who places, deposits, or dumps, causes to be placed, deposited, or dumped, or transports for the purpose of placing, depositing, or dumping waste matter, concrete, asphalt, dirt, or other construction debris in commercial quantities in excess of 25 cubic yards shall be punished by imprisonment in a county jail for not more than one year and by a fine. The fine is mandatory and shall amount to \$25,000 for each conviction.
- 3) States that if the commercial quantity is in excess of 50 cubic yards, the person may be punished by imprisonment in county jail for up to one year or by imprisonment in state prison for 16 months, two years, or three years. The fine is mandatory and shall amount to fifty thousand dollars (\$50,000) for each conviction.
- 4) Clarifies that multiple violations of illegal dumping arising from a continuing violation, where each day that illegally dumped waste remains is a separate violation, can be included in a single charging document.
- 5) Prohibits a private owner, including any person with the private owner's permission, from placing, depositing, dumping or transporting waste matter, rocks, concrete, asphalt, dirt, or construction debris on their property if the placing, depositing, dumping, or transporting of those materials requires a permit or license from a state or local agency and one was not obtained.
- 6) Expands the entities that can declare placed, deposited, dumped, or transported materials on private property a public health and safety hazard, a public nuisance, or a fire hazard, to include the state or local agency with jurisdiction over the property.
- 7) Provides that the court shall require a person convicted of illegal dumping to remove, or pay the cost of removing, waste matter, rocks, concrete, asphalt, dirt, or other construction debris that the convicted person placed, deposited, or dumped, caused to be placed, deposited, or

dumped, or transported for these purposes if both of the following circumstances are met:

- a) The person convicted is the owner of the property where the placing, depositing, dumping, or transporting of waste matter, rocks, concrete, asphalt, dirt, or other construction debris occurred.
 - b) The placing, depositing, dumping, or transporting of waste matter, rocks, concrete, asphalt, dirt, or other construction debris requires a permit or license from a state or local agency and one was not obtained, or creates a public health and safety hazard, a public nuisance, or a fire hazard, as defined.
- 8) Expands the illegal dumping prohibitions to include the dumping of construction debris, and to include the transport for the purpose of dumping specified materials.
 - 9) Expands the definition of illegal dumping in commercial quantities to include dumping rocks, concrete, asphalt, dirt, or other construction debris, and to include the transport of those materials for the purpose of dumping them.
 - 10) Makes conforming changes.

EXISTING LAW:

- 1) States that it is unlawful to dump or cause to be dumped waste matter in or upon a public or private highway or road, including any portion of the right-of-way thereof, or in or upon private property into or upon which the public is admitted by easement or license, or upon private property without the consent of the owner, or in or upon a public park or other public property other than property designated for that purpose. (Pen. Code, § 374.3, subd. (a).)
- 2) Provides it is unlawful to place, deposit, or dump, or cause to be placed, deposited, or dumped, rocks, concrete, asphalt, or dirt in or upon a private highway or road, including any portion of the right-of-way of the private highway or road, or private property, without the consent of the owner or a contractor under contract with the owner for the materials, or in or upon a public park or other public property, without the consent of the state or local agency having jurisdiction over the highway, road, or property. (Pen. Code, § 374.3, subd. (b).)
- 3) States that a person violating dumping provisions is guilty of an infraction. Each day that waste is placed, deposited, or dumped in violation the law is a separate violation. (Pen. Code, § 374.3, subd. (c).)
- 4) Provides that illegal dumping prohibitions do not restrict a private owner in the use of his or her own private property, unless the placing, depositing, or dumping of the waste matter on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or district providing fire protection services, or the Department of Forestry and Fire Protection, in which case this section applies. (Pen. Code, § 374.3, subd. (d).)
- 5) Punishes a person convicted of dumping shall by a mandatory fine of not less than \$250 nor more than \$1,000 upon a first conviction, by a mandatory fine of not less than \$500 nor more than \$1,500 upon a second conviction, and by a mandatory fine of not less than \$750 nor

more than \$3,000 upon a third or subsequent conviction. If the court finds that the waste matter placed, deposited, or dumped was used tires, the fine prescribed in this subdivision shall be doubled. (Pen. Code, § 374.3, subd. (e).)

- 6) Provides that the court may require, in addition to any fine imposed upon a conviction, that, as a condition of probation the probationer remove, or pay the cost of removing, any waste matter which the convicted person dumped or caused to be dumped upon public or private property. (Pen. Code, § 374.3, subd. (f).)
- 7) States that except when the court requires the convicted person to remove waste matter for which he or she is responsible for dumping as a condition of probation, the court may require the probationer to pick up waste matter at a time and place within the jurisdiction of the court for not less than 12 hours. (Pen. Code, § 374.3, subd. (g).)
- 8) States that a person who illegally dumps waste matter in commercial quantities is guilty of a misdemeanor punishable by imprisonment in a county jail for not more than six months and by a fine. The fine is mandatory and shall amount to not less than \$1,000 nor more than \$3,000 upon a first conviction, not less than \$3,000 nor more than \$6,000 upon a second conviction, and not less than \$6,000 nor more than \$10,000 upon a third or subsequent conviction. (Pen. Code, § 374.3, subd. (h)(1).)
- 9) Provides that if the person is the owner or operator of a business involved in the illegal dumping and the business employs more than 10 full-time employees, higher fine ranges apply, increasing to up to \$5,000 for a first conviction, \$10,000 for a second conviction, and \$20,000 for a third or subsequent conviction. (Pen. Code, § 374.3, subd. (h)(2).)
- 10) Defines “commercial quantities” as an amount of waste matter generated in the course of a trade, business, profession, or occupation, or an amount equal to or in excess of one cubic yard. (Pen. Code, § 374.3, subd. (h)(5).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “Illegal dumping has become an increasingly serious issue across the Antelope Valley, including Lancaster, Palmdale, and neighboring communities in Los Angeles County. These operations endanger public health, increase fire risk, and damage the quality of life in our neighborhoods while forcing local governments and residents to shoulder expensive cleanup efforts. AB 2310 strengthens California’s ability to address these illegal activities by equipping law enforcement and local agencies with stronger enforcement tools and the authority to intervene sooner. By targeting large-scale commercial dumping operations, this bill responds directly to the concerns raised by High Desert communities and helps safeguard our environment and public safety.”>
- 2) **Effect of the Bill:** This bill would increase criminal penalties for illegal dumping. Currently, individual acts of illegal dumping are treated as infractions with maximum fines of \$3,000. (Pen. Code, § 374.3, subd. (e).) This bill escalates penalties by making a fourth or subsequent violation a misdemeanor punishable by up to six months in county jail, with a maximum fine of \$5,000.

Additionally, the bill substantially increases penalties for commercial dumping. While existing law treats illegal dumping acts in commercial quantities as misdemeanors, subject also to fines of up to \$10,000 (Pen. Code, § 374.3, subds. (h)(1)-(2)), this bill creates new penalty tiers based on volume, including mandatory fines of \$25,000 for dumping in excess of 25 cubic yards and \$50,000 for dumping in excess of 50 cubic yards. This bill also authorizes felony sentences for large-scale commercial dumping.

California communities have experienced an increase in illegal dumping activity. The Los Angeles Controller recently stated, “businesses and individuals are illegally dumping garbage and debris...with increasing frequency.”¹ The Controller observed that “[t]he proliferation of illegal dumping in Los Angeles has a direct negative impact on public health conditions, public safety, and the environment.”² The Controller made numerous recommendations for addressing the problem, including increasing the number of permanent illegal dumping cleanup crews, increasing the number of surveillance cameras to monitor hotspots, creating a public awareness campaign about illegal dumping and the availability of free or low-cost trash disposal services, and exploring ways to make it easier for residents to legally dispose of excess waste.³ Notably, the Controller also recommended “increasing administrative fine amounts in order to deter would-be violators and assess a fine that reflects the seriousness of the violation.”⁴

AB 2310 represents a significant escalation in both the severity and structure of penalties, authorizing certain illegal dumping offenses to be charged as misdemeanors and, in the case of large-scale commercial dumping, felony offenses with considerably higher mandatory fines.

- 3) **Deterrence:** It is unclear whether increasing penalties has a deterrent effect. There is reliable evidence showing increased penalties generally fails to deter criminal behavior.⁵ Data shows greater deterrent effects as the likelihood of being caught and the perception that one will get caught rises.⁶ In contrast, the act of punishment and the length of punishment largely do not increase deterrence.⁷

A standard misdemeanor in California is punishable by imprisonment in county jail for up to six months and a fine of up to \$1,000. (Pen. Code, § 19.) Criminal fines and the collection of those fines is commonly misunderstood—the actual cost to a criminal defendant can be much higher than the base fine amount. The breakdown and supporting information below can be illustrative.

Example: Penalty assessments and fees on a base fine of \$1,000:

¹ *Piling Up: Addressing L.A.’s Illegal Dumping Problem* (Mar. 24, 2021) L.A. Controller <<https://lacontroller.org/audits-and-reports/illegaldumping/>> [as of Apr. 2, 2026].

² *Ibid.*

³ *Id.*, at p. 2.

⁴ *Id.*, at p. 20.

⁵ *Five Things About Deterrence* (May 2016) National Institute of Justice <<https://www.ojp.gov/pdffiles1/nij/247350.pdf>> [as of Apr. 2, 2026].

⁶ *Ibid.*

⁷ *Ibid.*

Pen. Code, § 1464 state penalty on fines:	1,000 (\$10 for every \$10)
Pen. Code, § 1465.7 state surcharge:	200 (20% surcharge)
Pen. Code, § 1465.8 court operation assessment:	40 (\$40 fee per criminal offense)
Gov. Code, § 70372 court construction penalty:	500 (\$5 for every \$10)
Gov. Code, § 70373 assessment:	30 (\$30 for felony or misdemeanor)
Gov. Code, § 76000 penalty:	700 (\$7 for every \$10)
Gov. Code, § 76000.5 EMS penalty:	200 (\$2 for every \$10)
Gov. Code, § 76104.6 DNA fund penalty:	100 (\$1 for every \$10)
Gov. Code, § 76104.7 additional DNA fund penalty:	400 (\$4 for every \$10)

Total Fine with Assessments: \$4,170

Criminal fines can rapidly balloon into unpayable amounts for most of the population, which create downstream economic consequences for impacted individuals and society. Unsurprisingly, the judicial branch reported that \$8.6 billion in fines and fees remained unpaid at the end of 2019-20.⁸

With evidence also showing that growing criminal fines increases felony recidivism, specifically among a population that historically has faced disproportionate punishment in the criminal justice system,⁹ it remains questionable whether increasing criminal punishment and fines, as this bill does, would produce the desired impact.

- 4) **Intersection with Existing Law:** Combining the provision of existing law that establishes continuing violations of the law based on the days the waste remains illegally dumped, with the provision of AB 2310 that would authorize a misdemeanor for a fourth and subsequent dumping violation, leads to the potential for relatively severe penalties. The combination of existing law and AB 2310 in this case means a person theoretically could be charged with a misdemeanor for a single discrete act of illegal dumping simply because the dumped material was not identified by authorities for four days.

This intersection of existing law and AB 2310 raises practical and legal concerns regarding fairness. This combination of provisions also could subject a person to exorbitant fines. For example, if one act of illegally dumped waste goes undiscovered for an extended period of time, like 20 days, then existing law provisions combined with AB 2310 provisions could produce a fine of up to \$100,000. Given the data on the effectiveness of increased punishment, it is unclear whether such penalties would produce the desired deterrent effect.

- 5) **Committee Amendments:** AB 2310 as introduced produces specific concerns in addition to the fairness issue discussed above, such as creating a potential permission structure to increase pretextual traffic stops, limiting property owners' use of their property, and subjecting individuals to commercial dumping penalties who are acting at the behest of their employer because they fear losing their livelihoods.

⁸ *Overview of Criminal Fine and Fee System* (May 13, 2021) Legislative Analyst's Office <<https://lao.ca.gov/Publications/Detail/4427>> [as of Apr. 2, 2026].

⁹ *The Government Revenue, Recidivism, and Financial Health Effects of Criminal Fines and Fees* (Sept. 9, 2023) Wellesley College <<http://dx.doi.org/10.2139/ssrn.4568724>> [as of Apr. 2, 2026].

The proposed amendments do the following in an effort to address those concerns: 1) notes that the presence of debris or construction materials in a vehicle does not, by itself, constitute reasonable suspicion or probable cause for a stop, detention, or arrest; 2) incorporates language that a solid waste facility permit would be required in a private homeowner setting, which should avoid unintended application to lawful activities by contractors, builders, and homeowners; 3) eliminates the continuing violation provision to require discrete acts of dumping are individually charged; 4) reduces penalties for non-commercial illegal dumping by making a fourth or subsequent violation punishable as a wobbler, rather than a straight misdemeanor; and 5) specifies that commercial dumping penalties do not apply to employees who lack ownership or decision-making authority and are acting within the scope of their employment or under the direction of an employer.

- 6) **Argument in Support:** According to the *Los Angeles County District Attorney's Office*, "Illegal dumping causes widespread environmental harm to the soil, water and air. It also disproportionately impacts low income, unincorporated, and/or minority communities, creating significant environmental injustice and inequity. Waste debris dumped indiscriminately on farmland and on pristine wildland creates a blight that significantly damages that land for future use by the public and creates an immediate health and enjoyment risk for people visiting and living in those communities. The residents of these remote areas are often disenfranchised and marginalized populations. The damage has the potential to reach communities of differing income levels including lower income communities.

"Governmental agencies at the state, county, and local level often bear the financial burden of cleaning up dump sites which diverts funds that could be used elsewhere to clean up sites in other marginalized communities. This creates an imbalance in services to communities. If significant resources must be put into one area (such as an area with a large amount of open space that is commonly used for illegal dumping) then resources cannot be put into lower income communities which may have smaller, but equally hazardous sites needing clean up. In a congested, urban area, these smaller sites can have a significant impact, especially where lower income communities are overlooked when it comes to services. AB 2310 will help control dumping, especially the large-scale dumping currently at issue, and it will allow resources to be spent across many more communities."

- 7) **Argument in Opposition:** According to *ACLU Cal Action*, "[T]his proposal undermines a great amount of study and evidence surrounding the efficacy behind longer criminal sentencing and its impact on crime deterrence. Evidence indicates that applying longer criminal sentences has failed to deter crime. The federal Department of Justice shared a paper discouraging increasing existing punishments. Other studies support this evidence, finding that the severity of punishment does not generally have an increased effect on deterrence. Rather, studies have concluded that certainty of punishment — that someone will be punished for a particular crime — has a greater deterrence effect than the severity of the punishment itself. Increasing criminal penalties of existing crimes will incur an additional \$133,100 cost per person incarcerated each additional year they are sentenced.

"Criminalizing both the property owner and the person who deposited the materials, when it is likely that neither was responsible for obtaining the permit or license and may not know whether a permit or license was properly obtained, will not actually address or deter the behavior contemplated by this bill. Instead, criminal convictions and mandatory fines may

needlessly fall on well-intentioned property owners, and innocent low-wage workers who cannot afford the fines and whose inability to pay the fines will have lasting consequences for them and their families.”

- 8) **Related Legislation:** AB 1941 (M. Gonzalez) increased penalties for organized metal theft by making the offense punishable as a wobbler when committed on two or more separate occasions within a 12-month period and the value of the stolen metal exceeds \$950; otherwise, the offense remains a misdemeanor. AB 1941 is pending a hearing in the Assembly Appropriations Committee.
- 9) **Prior Legislation:**
- a) AB 2374 (Bauer-Kahan), Chapter 784, Statutes of 2022, increased the maximum fine for the dumping of commercial quantities of waste by a business that employs more than 10 employees from \$3,000 to \$5,000 for the first conviction, from \$6,000 to \$10,000 for the second conviction, and from \$10,000 to \$20,000 for the third and any subsequent convictions.
 - b) AB 215 (Mathis), 2019-2020 Legislative Session, would have made a fourth violation of illegal dumping on private property a misdemeanor punishable by up to 30 days in the county jail created a fine of not less than \$750 nor more than \$3,000. AB 215 was held in the Assembly Appropriations Committee.
 - c) AB 1216 (Bauer-Kahan), 2019-2020 Legislative Session, would have created a pilot program to employ a single law enforcement officer in both Alameda and Contra Costa counties to enforce laws prohibiting dumping. AB 1216 was held in the Assembly Appropriations Committee.
 - d) SB 409 (Wilk), 2019-2020 Legislative Session, would have increased the fines for dumping of waste in non-commercial quantities and made it a crime to transport and dump waste. SB 409 was held in the Assembly Appropriations Committee.
 - e) AB 144 (Mathis), 2015-2016 Legislative Session, would have made a fourth violation of illegal dumping on private property a misdemeanor punishable by up to 30 days in the county jail. AB 144 was vetoed by the Governor.
 - f) AB 1992 (Canciamilla), Chapter 416, Statutes of 2006, imposed graduated penalties and increased fines for second and third violations of illegal dumping offenses.>

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles County District Attorney's Office (Sponsor)
Buena Park; City of
California Association of Highway Patrolmen
California Chapters of the Solid Waste Association of North America's Legislative Task Force

California District Attorneys Association
Californians Against Waste
City of Buena Park
Placentia; City of
Riverside County District Attorney
Rural County Representatives of California (RCRC)
Stanton; City of
Westminster; City of

Opposition

ACLU California Action
California Public Defenders Association
Californians United for a Responsible Budget
Initiate Justice
San Francisco Public Defender

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