

ASSEMBLY THIRD READING
AB 2310 (Carrillo and Irwin)
As Amended May 18, 2026
Majority vote

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.

Major Provisions

- 1) Increases the penalty for a 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 wobbler. The fine is mandatory and shall amount to 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.

COMMENTS

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."

Arguments 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."

Arguments 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."

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

- 1) Unknown, likely minor costs to county jails for new misdemeanor penalties, including up to six months for a fourth or subsequent dumping offense and up to one year for commercial dumping exceeding 25 cubic yards. The average annual cost to incarcerate one person in county jail is approximately \$29,000, though costs are higher in larger counties. Actual costs will depend on the number of relevant offenses, but the overall effect will be an increase in incarceration costs. County incarceration costs are not subject to reimbursement by the state. However, overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from public safety realignment.
- 2) Unknown, likely minor costs to the courts (Trial Court Trust Fund) for processing new misdemeanor and felony charges. Sentencing proceedings for the new commercial dumping penalties may be more complex than typical misdemeanors given the substantial mandatory fines (\$25,000 and \$50,000), as the bill requires courts to consider the defendant's ability to pay when setting fines, including an assessment of the defendant's present and foreseeable financial position.
- 3) Potential offsetting revenue from mandatory fines of \$25,000 and \$50,000 for large-scale commercial dumping would be distributed to the state and counties through existing penalty assessment formulas. The collectability of large criminal fines is uncertain; the judicial branch has reported billions of dollars in outstanding court-ordered debt statewide.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

VOTES

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

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