
THIRD READING

Bill No: AB 2310
Author: Carrillo (D) and Irwin (D), et al.
Amended: 6/25/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/23/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 75-0, 5/26/26 - See last page for vote

SUBJECT: Illegal dumping

SOURCE: Los Angeles County District Attorney's Office

DIGEST: This bill 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 and the possibility of a wobbler.

ANALYSIS:

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 or set aside for that purpose by the governing board or body having charge of that property. (Penal [Pen.] Code, § 374.3, subd. (a).)

- 2) Provides that 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. Provides that each day that waste is placed, deposited, or dumped in violation of 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 their 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 a 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 non-commercial quantities of waste by a mandatory fine of the following amounts:
 - a) First offense: \$250-\$1,000
 - b) Second offense: \$500-\$1,500
 - c) Third offense: \$750-\$3,000. (Pen. Code, § 374.3, subd. (e).)
- 6) Doubles the fines above if the court finds that the waste matter placed, deposited, or dumped was used tires. (Pen. Code, § 374.3, subd. (e).)
- 7) Provides that the court may require, in addition to any fine imposed upon a conviction, that the person convicted remove, or pay the cost of removing, any waste matter that the convicted person dumped or caused to be dumped upon public or private property. (Pen. Code, § 374.3, subd. (f).)
- 8) States that the court may, in addition to the fine imposed upon a conviction, require that a person convicted of a violation described above 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).)

- 9) Provides that a person who places, deposits, or dumps, or causes to be placed, deposited, or dumped, waste matter in violation of the provisions above 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. Provides that the fine is mandatory at the following amounts:
 - a) First offense: \$1,000-\$3,000
 - b) Second offense: \$3,000-\$6,000
 - c) Third offense: \$6,000-\$10,000. (Pen. Code, § 374.3, subd. (h)(1).)
- 10) Provides that if a person convicted for a violation of illegal dumping in commercial quantities per the immediately preceding provision is the owner or operator of the business involved in the illegal dumping, and that business employs more than 10 full-time employees, the mandatory fine is as follows:
 - a) First offense: \$1,000-\$5,000
 - b) Second offense: \$3,000-\$10,000
 - c) Third offense: \$6,000-\$20,000. (Pen. Code, § 374.3, subd. (h)(2).)
- 11) States that the court shall require, in addition to the fine imposed upon a conviction, that a person convicted for illegal dumping in commercial quantities remove, or pay the cost of removing, any waste matter which the convicted person dumped or caused to be dumped upon the public or private property. (Pen. Code, § 374.3, subd. (h)(3).)
- 12) Requires the court, if a person convicted for illegal dumping in commercial quantities holds a license or permit to conduct business that is substantially related to the illegal dumping for which the person was convicted, to notify the applicable licensing or permitting entity subject to the jurisdiction of the Department of Consumer Affairs of the conviction, as specified. (Pen. Code, § 374.3, subd. (h)(4)(A).)
- 13) Requires the licensing or permitting entity to record and post the offense on the public profile of the license or permit holder on the internet website of the entity. (Pen. Code, § 374.3, subd. (h)(4)(B).)

- 14) 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. Specifies that it does not apply to the dumping of household waste at a person’s own residence. (Pen. Code, § 374.3, subd. (h)(5).)
- 15) Requires the court, when setting fines pursuant to the above violations, to consider the defendant’s ability to pay, including consideration of several specified factors. (Pen. Code, § 374.3, subd. (j).)

This bill:

- 1) Increases the penalty for a fourth or subsequent offense of illegal dumping to include a mandatory fine of no more than \$5,000. States that 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, or 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. States that 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. States that the fine is mandatory and shall amount to \$50,000 for each conviction.
- 4) 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.
- 5) 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.

- 6) 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.
- 7) Expands the illegal dumping prohibitions to include the dumping of construction debris, and to include the transport for the purpose of dumping specified materials.
- 8) Makes conforming changes.

Background

Illegal dumping is the unauthorized disposal of solid waste matter—commonly mattresses, tires, appliances, and construction debris—on public or private property. Often done out of convenience or for economic gain, illegal dumping generates significant social, environmental, and economic costs statewide. Illegal dumping issues are primarily the responsibility of local governments, which spend tens of millions of dollars each year to remove illegally disposed materials; private property owners also incur significant costs for the removal of illegally dumped waste.

Under existing law, it is a crime for a person to dump waste matter upon a public or private road, on private property accessible to the public by easement, on private property without the consent of the owner, or in a public park or other public property other than property designated for the purpose of dumping. Existing law also prohibits dumping rocks, concrete, asphalt, and dirt on those types of property.

Illegal dumping is punishable as an infraction, with increasing fines for a second, third, and subsequent offense:

- First offense: \$250-\$1,000
- Second offense: \$500-\$1,500
- Third offense: \$750-\$3,000

Existing law imposes a misdemeanor with up to six months of jail time and higher fines for the illegal dumping of “commercial quantities” of waste matter:

- First offense: \$1,000-\$3,000
- Second offense: \$3,000-\$6,000
- Third offense: \$6,000-\$10,000

“Commercial quantities” is defined 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.” If a person convicted of illegal dumping in commercial quantities holds a license or permit to conduct business that is substantially related to the illegal dumping for which the person was convicted, the licensing or permitting entity must post the offense on the public profile of the license or permit holder on its website. Additionally, there are higher penalties for dumping commercial quantities of waste if the offender is the owner or operator of the business involved in the illegal dumping and that business employs more than 10 employees:

- First offense: \$1,000-\$5,000
- Second offense: \$3,000-\$10,000
- Third offense: \$6,000-\$20,000

Importantly, the fines in statute provide a base figure, subject to statutorily imposed penalty assessments, such as fees and surcharges. While the fines governing illegal dumping have not been increased since 2004, the penalty assessments have increased, thus increasing the amount that a person actually pays. Current penalty assessments total at least 310% of the initial fine plus \$70, so a fine of \$1,000 for a first offense, for instance, will actually cost an individual a total of \$4,170.

A court is required to consider the ability of the defendant to pay when setting any fines under any of the above offenses. Each day waste is placed, deposited, or dumped in violation of the provisions above constitutes a separate violation.

Therefore, if someone dumps waste and leaves it for three days, on the third day, they would be eligible to be assessed the fines under the tier for third offenses outlined above. Further, in addition to these fines, a court may require that the person convicted 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. For purposes of this section, “person” means “an individual, trust, firm, partnership, joint stock company, joint venture, or corporation,” and any of those entities can be found guilty of the above offenses.

This bill escalates penalties by making a fourth or subsequent violation of dumping non-commercial quantities punishable by a fine of up to \$5,000.

Additionally, this bill substantially increases penalties for commercial dumping when dumping 25 cubic yards or greater of waste. Existing law treats illegal dumping of greater than one cubic yard of waste as a misdemeanor subject 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 makes dumping in excess of 50 cubic yards of waste an alternate felony/misdemeanor punishable by up to three years in jail.

This bill further states that any person who completes an illegal act of dumping during the course of the person’s employment that was done at the direction of their employer, if the person did not have ownership, managerial, or decision-making authority over the business responsible for the illegal dumping, may not be charged with the new penalty for dumping 25 cubic yards or more of waste. This measure is intended to protect laborers and workers from the significant penalties imposed in this bill.

This bill also redefines the offense of illegal dumping to include the “transport for the purpose of dumping” of waste. The fact that a person is operating a vehicle with actual or apparent rocks, concrete, asphalt, dirt, or other construction debris in their vehicle does not in itself constitute reasonable suspicion to stop or detain the person, or probable cause to arrest the person.

This bill eliminates the provision of existing law that provides that each day that waste remains dumped is a separate violation of the statute.

Finally, this bill makes it a violation for a private property owner to dump waste on their own property when they were required to possess a solid waste facility permit or license from a state or local agency and one was not obtained.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

The Senate Appropriations Committee writes:

If the commercial quantity of debris is in excess of 50 yards, the sentence is 16 months, 2 years or 3 years in county jail and a mandatory fine of \$50,000. The average annual cost to incarcerate one person in county jail is approximately \$80,000. Likely minor costs to the courts to adjudicate new felony charges.

SUPPORT: (Verified 8/13/26)

Los Angeles County District Attorney's Office (source)

Alameda County Board of Supervisors

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 Hemet

County of Riverside

Hemet; City of

Los Angeles County Sheriff's Department

Mayor Todd Gloria, City of San Diego

Oakland; City of

Rural County Representatives of California

Solid Waste Association of North America, California Chapters

OPPOSITION: (Verified 8/13/26)

ACLU California Action

California Public Defenders Association

Californians United for a Responsible Budget

Initiate Justice

ASSEMBLY FLOOR: 75-0, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong,

Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bryan, Elhawary, Kalra, Muratsuchi, Celeste Rodriguez

Prepared by: Marshal Lawler / PUB. S. /
8/14/26 14:10:10

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