



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. **600**

June 1, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

This is to inform you that on June 1, 2006, the following bill was signed into law:

HB1955 HD1 SD1 CD1

A BILL FOR AN ACT RELATING TO
LITTER CONTROL.
(ACT 158)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

HOUSE OF REPRESENTATIVES
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

H.B. NO. 1955
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO LITTER CONTROL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that, even though
2 Hawaii's natural beauty makes this island state great, the
3 communities that comprise Hawaii still suffer from rampant
4 littering problems. One cause of the problem is lack of
5 enforcement. Hawaii prohibits people from littering from an
6 automobile and in public. This State has even made certain
7 littering acts a criminal offense. For example, with over
8 1,200,000 residents, the State prosecuted just over four hundred
9 violations of criminal littering or littering from a vehicle.

10 With enforcement lacking, a greater deterrent is necessary
11 to prevent people who live in and visit Hawaii from littering
12 the State's beautiful 'aina. Presently, the minimum fine
13 assessed against any person who litters is \$25. As is evidenced
14 by the amount of litter seen strewn about the streets in Hawaii,
15 the present fine schedule is not serving its deterrent purpose.
16 This Act seeks to update the current fine schedule to serve as a
17 stronger incentive to keep Hawaii beautiful and clean.



1 SECTION 2. Section 291C-132, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) The court shall fine the person convicted of
4 committing the offense of littering at least [~~\$25~~] \$100, but
5 not more than \$500."

6 SECTION 3. Section 339-8, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§339-8 Penalties.** (a) Except as otherwise provided by
9 this chapter, any person violating any provision of this chapter
10 or any rule adopted [~~hereunder~~] under this chapter shall be
11 guilty of a violation, and shall be fined not less than [~~\$25~~]
12 \$100, and not more than \$500 for each offense, and ordered to
13 pick up and remove litter from a public place under the
14 supervision of the director as follows:

15 (1) For the first offense, [~~defendant~~] the violator shall
16 spend four hours of either picking up litter or
17 performing community service[+]; and

18 (2) For any subsequent offense, [~~defendant~~] the violator
19 shall spend eight hours of either picking up litter or
20 performing community service.

21 (b) If the court judges the violator to be incapable of
22 litter removal and pick up, the court may provide some other



1 community work as it deems appropriate. All persons who are
2 caught littering shall be required to remove the litter that
3 they caused or shall be liable for the costs of removing that
4 litter."

5 SECTION 4. Section 708-829, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By amending subsection (1) to read:

8 "(1) A person commits the offense of criminal littering if
9 that person knowingly places, throws, or drops litter on any
10 public or private property or in any public or private waters,
11 except:

12 (a) In a place [~~which is~~] designated by the department of
13 health or the county for the disposal of garbage and
14 refuse;

15 (b) Into a litter receptacle;

16 (c) Into a litter bag[~~7~~]; provided that the bag is
17 disposed of properly into a litter receptacle or in a
18 place [~~which is~~] designated by the department of
19 health or the county for the disposal of garbage and
20 refuse."

21 2. By amending subsection (4) to read:



1 "(4) The court shall sentence any person convicted of
2 committing the offense of criminal littering as follows:

3 (a) For the first offense, [~~defendant~~] the person shall
4 spend four hours of either picking up litter on public
5 property or performing community service~~[-]~~;

6 (b) For any subsequent offense, [~~defendant~~] the person
7 shall spend eight hours of either picking up litter on
8 public property or performing community service~~[-]~~;
9 and

10 (c) The court shall fine the person convicted of
11 committing the offense of criminal littering at least
12 [~~\$25-~~] \$500, but not more than [~~\$500-~~] \$1,000."

13 SECTION 5. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun, before its effective date.

16 SECTION 6. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.

APPROVED this 1 day of JUN, 2006



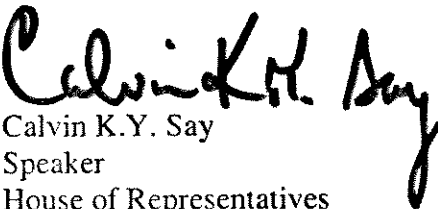
GOVERNOR OF THE STATE OF HAWAII

HB No. 1955 HD 1 SD 1 CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Calvin K.Y. Say
Speaker
House of Representatives



Patricia Mau-Shimizu
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Robert Bunda
President of the Senate



Paul Kawaguchi
Clerk of the Senate