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# 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 Hawaii  
2 is known for its natural beauty, many communities in Hawaii  
3 still suffer from rampant littering problems. One cause of the  
4 problem is a lack of enforcement. Hawaii prohibits people from  
5 littering from an automobile and in public. The State has even  
6 made certain acts of littering a criminal offense. Although  
7 Hawaii's population is approximately one million two hundred  
8 thousand 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 maximum allowable  
13 fine assessed against any person who litters is \$500. As is  
14 evidenced by the amount of litter seen strewn about the streets  
15 in Hawaii, the present fine schedule is not serving its  
16 deterrent purpose. This Act seeks to update the current fine  
17 schedule to serve as a stronger deterrent to keep Hawaii  
18 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, but not more  
5 than [~~\$500.~~] \$1,000."

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

8 "**§339-8 Penalties.** Except as otherwise provided by this  
9 chapter, any person violating any provision of this chapter or  
10 any rule adopted [~~hereunder~~] under this chapter shall be guilty  
11 of a violation, and shall be fined not less than \$25, [~~and~~] but  
12 not more than [~~\$500~~] \$1,000 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.

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



1 work as it deems appropriate. All persons who are caught  
2 littering shall be required to remove the litter that they  
3 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~~] that is designated by the  
13 department of health or the county for the disposal of  
14 garbage and refuse;

15 (b) Into a litter receptacle;

16 (c) Into a litter bag[~~r~~]; provided that the bag is  
17 disposed of properly into a litter receptacle or in a  
18 place [~~which~~] that 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, 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 on July 1, 2096.



HB1955

HD1

**Report Title:**

Littering; Increased Maximum Fines

**Description:**

Increases the maximum fines for littering from a motor vehicle, littering in public, and criminal littering. (HB1955 HD1)

HB1955 HD1 HMS 2006-2273

