
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 A greater deterrent is necessary to prevent people who live
11 in and visit Hawaii from littering the State's beautiful 'aina.
12 Presently, the minimum fine assessed any person who litters is
13 \$25. The present fine schedule is not serving its deterrent
14 purpose as evidenced by the amount of litter seen strewn about
15 the streets of Hawaii when compared to the enforcement
16 statistics. The purpose of this Act is to update the current
17 fine schedule to serve as an incentive to keep Hawaii beautiful
18 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 [~~\$257~~] \$250, 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 [~~\$257~~]
12 \$250, 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~~] 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~~];i 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-~~] \$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.

Report Title:

Littering; Increased Mandatory Minimum Fines

Description:

Increases the mandatory minimum fines for littering violations, including littering from a motor vehicle, littering in public, and criminal littering. (SD1)

