

JAN 25 2006

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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  
2 Hawaii's natural beauty is that which makes this island state  
3 great, the communities that comprise Hawaii still suffer from  
4 rampant 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 1.2  
8 million residents, the State prosecuted just over 400 violations  
9 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 any person who litters is \$25. As is evidenced by the  
14 amount of litter seen strewn about the streets of Hawaii when  
15 compared to the enforcement statistics, the present fine  
16 schedule is not serving its deterrent purpose. This Act seeks  
17 to update the current fine schedule to serve as a proper  
18 deterrent 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~~]\$500, but not  
5 more 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 shall be guilty of a violation, and  
11 shall be fined not less than [~~\$25~~]\$500, and not more than  
12 [~~\$500~~]\$1,000 for each offense, and ordered to pick up and remove  
13 litter from a public place under the supervision of the director  
14 as follows:

15 (1) For the first offense, defendant shall spend four  
16 hours of either picking up litter or performing  
17 community service.

18 (2) For any subsequent offense, defendant shall spend  
19 eight hours of either picking up litter or performing  
20 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,  
6 is amended to read as follows:

7 "**§708-829 Criminal littering.** (1) A person commits the  
8 offense of criminal littering if that person knowingly places,  
9 throws, or drops litter on any public or private property or in  
10 any public or private waters, except:

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

14 (b) Into a litter receptacle;

15 (c) Into a litter bag, provided that the bag is disposed  
16 of properly into a litter receptacle or in a place  
17 which is designated by the department of health or the  
18 county for the disposal of garbage and refuse.

19 (2) "Litter" means rubbish, refuse, waste material,  
20 garbage, trash, offal, or debris of whatever kind or  
21 description, and whether or not it is of value, and includes



1 improperly discarded paper, metal, plastic, glass, or solid  
2 waste.

3 (3) Criminal littering is a petty misdemeanor.

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

6 (a) For the first offense, defendant shall spend four  
7 hours of either picking up litter on public property  
8 or performing community service.

9 (b) For any subsequent offense, defendant shall spend  
10 eight hours of either picking up litter on public  
11 property or performing community service.

12 (c) The court shall fine the person convicted of  
13 committing the offense of criminal littering at least  
14 [~~\$25~~]\$500, but not more than [~~\$500~~]\$1,000.

15 (5) It shall be an affirmative defense that the defendant  
16 had consent of the owner in control of the property. "

17 SECTION 5. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

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SB. NO. 2850

**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.

SB SMO 06-047

