

JAN 25 2006

S.B. NO. 2054

A BILL FOR AN ACT

RELATING TO CRIMINAL DISPOSAL OF SOLID WASTE.

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

SECTION 1. Section 342h-37, Hawaii Revised Statutes, is amended to read as follows:

"§342H-37 Felony disposal of solid waste. (a) A person commits the offense of felony disposal of solid waste if the person:

- (1) Knowingly discards, disposes of, deposits, discharges, or dumps solid waste, or by contract or otherwise arranges directly or indirectly for the disposal of solid waste in an amount equal to or greater than ten cubic yards in volume anywhere other than a permitted solid waste management system without the written approval of the director;
- (2) After having been sentenced under this section or section 342H-39 on two separate and prior occasions, knowingly discards, disposes of, deposits, discharges, or dumps solid waste, or by contract or otherwise arranges directly or indirectly for the disposal of solid waste in an amount equal to or greater than one



cubic yard in volume anywhere other than a permitted solid waste management system without the written approval of the director; or

- (3) Knowingly discards, disposes of, deposits, discharges, or dumps solid waste, or by contract or otherwise arranges directly or indirectly for the disposal of solid waste anywhere other than a permitted solid waste management system without the written approval of the director for which the expense of recovering, removing, restoring, and lawfully disposing of the solid waste exceeds \$1,500.

(b) This section shall not supersede any other disposal prohibitions established under federal, state, or county law, ordinance, regulation, or rule.

(c) Felony disposal of solid waste is a class C felony for which a maximum fine of \$50,000 for each separate offense may be imposed.

(d) Forfeiture of property, as described in section 712A-5 and in accordance with chapter 712A, is authorized for the offense of felony disposal of solid waste. Such property includes any vehicle used or intended for use in the manner set forth in section 712A-5(b)."



SECTION 2. Section 342h-39, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) A person commits the offense of petty misdemeanor disposal of solid waste[÷], if, without the written approval of the director, the person:

(1) [~~If the person knowingly~~] Knowingly discards, disposes of, deposits, discharges, or dumps solid waste, or by contract or otherwise arranges directly or indirectly for the disposal of solid waste in an amount equal to or greater than one cubic yard in volume and less than ten cubic yards in volume, anywhere other than a permitted solid waste management system [~~without the written approval of the director.~~]; or

(2) Knowingly disperses, removes, relocates, dismantles, rummages, or processes solid waste or any part thereof disposed of anywhere other than at a permitted solid waste management system in such manner as:

(A) Constituted a violation of paragraph (1) or of section 342H-37(a); or

(B) Would constitute a violation thereof if the person therein knowingly disposed of or arranged



in the manner described therein for the disposal
of the solid waste."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

[Handwritten signatures]
Elizabeth Chun Oakland
Randy H. Baker
John L
April J. J
Will E. E



SB. NO. 2054

Report Title:

Forfeiture of vehicle used in felony disposal of solid waste

Description:

Authorizes forfeiture of vehicle used in felony disposal of solid waste; expands definition of petty misdemeanor disposal of solid waste.

