
A BILL FOR AN ACT

RELATING TO PENALTIES.

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

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

3 "(c) The court shall sentence any person convicted of the
4 offense of littering from vehicles as follows:

5 (1) For the first offense, defendant shall spend [~~four~~]
6 seventy-five hours [øf] either picking up litter on
7 public property or performing community service.

8 (2) For any subsequent offense, defendant shall spend
9 [~~eight~~] one hundred fifty hours [øf] either picking up
10 litter on public property or performing community
11 service.

12 (d) The court shall fine the person convicted of
13 committing the offense of littering [~~at least \$100, but not more~~
14 ~~than \$500.~~] \$5,000."

15 SECTION 2. Section 339-8, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Except as otherwise provided by this chapter, any
18 person violating any provision of this chapter or any rule



1 adopted under this chapter shall be guilty of a violation, and
2 shall be fined [~~not less than \$100, and not more than \$500~~]
3 \$5,000 for each offense, and ordered to pick up and remove
4 litter from a public place under the supervision of the director
5 as follows:

6 (1) For the first offense, the violator shall spend [~~four~~]
7 seventy-five hours [~~of~~] either picking up and removing
8 litter or performing community service; and

9 (2) For any subsequent offense, the violator shall spend
10 [~~eight~~] one hundred fifty hours [~~of~~] either picking up
11 and removing litter or performing community service."

12 SECTION 3. Section 342H-39, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "[~~H~~] §342H-39 [~~H~~] **Petty misdemeanor disposal of solid waste.**

15 (a) A person commits the offense of petty misdemeanor disposal
16 of solid waste if the person knowingly discards, disposes of,
17 deposits, discharges, or dumps solid waste, or by contract or
18 otherwise arranges directly or indirectly for the disposal of
19 solid waste in an amount equal to or greater than one cubic yard
20 in volume and less than ten cubic yards in volume, anywhere
21 other than a permitted solid waste management system without the
22 written approval of the director.



1 (b) Petty misdemeanor disposal of solid waste is
2 punishable by:

3 (1) A fine of not more than \$25,000 for each separate
4 offense;

5 (2) Not more than thirty days imprisonment for each
6 offense; or

7 (3) Revocation or suspension by court order of any
8 contractor's license or any applicable certificate of
9 authorization from the public utilities commission.

10 Each day of violation shall constitute a separate offense.

11 (c) In addition to the penalty imposed under subsection
12 (b), any person convicted under this section shall also be
13 ordered to pick up and remove litter from a public place under
14 the supervision of the director as follows:

15 (1) For the first offense, the violator shall spend
16 seventy-five hours either picking up and removing
17 litter or performing similar community service; and

18 (2) For any subsequent offense, the violator shall spend
19 one hundred fifty hours either picking up and removing
20 litter or performing similar community service.



1 [~~e~~] (d) Each fine collected for a violation of this
2 section shall be distributed to the authorized agency that
3 enforced the prohibition under which the fine was imposed.

4 [~~d~~] (e) This section shall not apply to solid waste
5 consisting solely of green waste. For the purposes of this
6 section, "green waste" means solid waste that consists solely of
7 leaves, grass clippings, garden and yard wastes, tree trunks,
8 holiday trees, tree trimmings, and prunings, or any combination
9 thereof."

10 SECTION 4. Section 342I-8, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§342I-8 Penalties.** (a) Any person who violates this
13 part shall be fined not more than \$10,000 for each separate
14 offense; provided that the failure to post the notice required
15 under section 342I-2, following a warning issued by the director
16 of health, shall be subject to a fine of \$2,000 for each
17 separate offense. Each battery improperly disposed of or
18 accepted shall constitute a separate offense. The fines imposed
19 pursuant to this subsection shall be cumulative. Remedies shall
20 be by citation, administrative action, or civil action.

21 (b) Any person who knowingly or wilfully violates this
22 part shall be guilty of a misdemeanor.



1 (c) The director may institute a civil action in any court
2 of competent jurisdiction for injunctive and other relief to:

- 3 (1) Prevent any violation of this chapter, any rule
4 adopted pursuant to this chapter, or any condition of
5 a permit or variance issued pursuant to this chapter,
6 without the necessity of a prior revocation of the
7 permit or variance;
- 8 (2) Impose and collect civil penalties;
- 9 (3) Collect administrative penalties; or
- 10 (4) Obtain other relief.

11 The court may grant relief in accordance with the Hawaii rules
12 of civil procedure.

13 (d) In addition to any penalty imposed pursuant to
14 subsection (b), any person convicted under this section shall
15 also be ordered to pick up and remove litter from a public place
16 under the supervision of the director as follows:

- 17 (1) For the first offense, the violator shall spend
18 seventy-five hours either picking up and removing
19 litter or performing similar community service; and
- 20 (2) For any subsequent offense, the violator shall spend
21 one hundred fifty hours either picking up and removing
22 litter or performing similar community service."



1 SECTION 5. Section 342J-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§342J-9 Penalties. (a) Any person who violates this
4 chapter, any rule adopted pursuant to this chapter, or any term
5 or condition of a permit or variance issued pursuant to this
6 chapter shall be fined not more than \$25,000 for each separate
7 offense. Each day of each violation shall constitute a separate
8 offense. Any action taken in court to impose or collect the
9 penalty provided for in this subsection shall be considered a
10 civil action.

11 (b) Any person who denies, obstructs, or hampers the
12 entrance or inspection by any duly authorized representative of
13 the director, or fails to provide information requested by the
14 representative under section 342J-6 or 342J-55 shall be fined
15 not more than \$10,000 for each separate offense. Each day of
16 each violation shall constitute a separate offense. Any action
17 taken in court to impose or collect the penalty provided for in
18 this subsection shall be considered a civil action.

19 (c) Any person who knowingly:

20 (1) Transports any hazardous waste to a storage,
21 treatment, or disposal facility that does not have a



1 permit pursuant to section 342J-5 to treat, store, or
2 dispose of that particular hazardous waste;

3 (2) Treats, stores, or disposes of hazardous waste without
4 first having a permit pursuant to section 342J-5, or
5 who violates any term or condition of a permit or
6 variance issued pursuant to this chapter;

7 (3) Transports, treats, stores, disposes of, recycles,
8 causes to be transported, or otherwise handles any
9 used oil or used oil fuel in violation of any rules
10 adopted pursuant to this chapter relating to used oil
11 or used oil fuel;

12 (4) Makes a false statement or representation in any
13 application, label, manifest, record, report, permit,
14 or other document filed, maintained, or used, for
15 purposes of compliance with this chapter, including
16 compliance with any rules adopted pursuant to this
17 chapter relating to used oil or used oil fuel; or

18 (5) Abandons or causes to be abandoned any hazardous
19 waste, used oil, or used oil fuel;

20 shall be subject to criminal penalties [~~Violations of~~
21 ~~paragraphs (3) and (4) are misdemeanor offenses. In addition to~~
22 ~~any other sentence, a person who violates paragraph (3) or (4)~~



1 ~~may be ordered to pay a fine not to exceed \$25,000 for each day~~
2 ~~of each violation.]~~ as provided in subsection (d).

3 (d) (1) Violations of [~~paragraphs (1,)~~] subsection (c) (1),
4 (2), and (5) are class C felonies. In addition to any
5 other sentence, a person who violates [~~paragraph (e),~~]
6 subsection (c) (1), (2), or (5) may be ordered to pay a
7 fine not to exceed \$25,000 for each day of each
8 violation.

9 (2) Violations of [~~paragraphs (e)~~] subsection (c) (3) and
10 (4) are misdemeanor offenses. In addition to any
11 other sentence, a person who violates paragraph (3) or
12 (4) may be ordered to pay a fine not to exceed \$25,000
13 for each day of each violation.

14 (3) In addition to any penalty imposed pursuant to
15 paragraph (1) or (2), any person convicted under this
16 section shall also be ordered to pick up and remove
17 litter from a public place under the supervision of
18 the director as follows:

19 (A) For the first offense, the violator shall spend
20 seventy-five hours either picking up and removing
21 litter or performing similar community service;
22 and



1 (B) For any subsequent offense, the violator shall
2 spend one hundred-fifty hours either picking up
3 and removing litter or performing similar
4 community service.

5 (e) For purposes of [~~this~~] subsection[7] (c), "abandon"
6 means the act of deserting or leaving behind a hazardous waste,
7 used oil, or used oil fuel."

8 SECTION 6. Section 708-823.5, Hawaii Revised Statutes, is
9 amended by amending subsection (3) to read as follows:

10 "(3) Aggravated criminal property damage is a
11 misdemeanor[~~-~~]; provided that, in addition to any other penalty
12 provided by law, the person convicted under this section for
13 placing graffiti on property shall be sentenced as follows:

14 (a) Pay a fine of \$5,000; and

15 (b) Remove graffiti as follows:

16 (i) For the first offense, the violator shall spend
17 seventy-five hours removing graffiti or
18 performing similar community service; and

19 (ii) For any subsequent offense, the violator shall
20 spend one hundred-fifty hours removing graffiti
21 or performing similar community service.



1 For purposes of this subsection, "graffiti" shall have the same
2 meaning as in section 46-1.5."

3 SECTION 7. Section 708-829, Hawaii Revised Statutes, is
4 amended by amending subsection (4) to read as follows:

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

7 (a) For the first offense, the person shall spend [~~four~~]
8 seventy-five hours of either picking up litter on
9 public property or performing community service;

10 (b) For any subsequent offense, the person shall spend
11 [~~eight~~] one hundred fifty hours of either picking up
12 litter on public property or performing community
13 service; and

14 (c) The court shall fine the person convicted of
15 committing the offense of criminal littering [~~at least~~
16 ~~\$500, but not more than \$1,000.~~] \$5,000."

17 SECTION 8. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun, before its effective date.

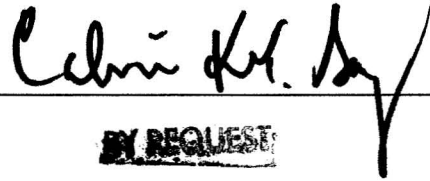
20 SECTION 9. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 10. This Act shall take effect upon its approval.

2

INTRODUCED BY:



BY REQUEST

JAN 28 2009



Report Title:

Littering; Dumping; Graffiti; Penalties

Description:

Increases fines for illegal littering, dumping, and graffiti and requires or increases the amount of community service to be performed upon conviction.

