
A BILL FOR AN ACT

RELATING TO LITTER CONTROL.

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

1 SECTION 1. Section 339-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending the definition of "litter" to read as
4 follows:

5 ""Litter" means rubbish, refuse, waste material, garbage,
6 trash, offal, fecal matter, or any debris of whatever kind or
7 description, whether or not it is of value, and includes
8 improperly discarded paper, metal, plastic, glass, or solid
9 waste."

10 2. By amending the definition of "littering" to read as
11 follows:

12 ""Littering" means placing, throwing, or dropping litter,
13 or allowing an animal under one's care or control to drop fecal
14 matter, on public or private property or in any public or
15 private waters, except:



H.B. NO. 127

- 1 (1) In a place [~~which~~] that is designated by the
- 2 department or the county for the disposal of garbage
- 3 and refuse;
- 4 (2) Into a litter receptacle; [~~or~~]
- 5 (3) Into a litter bag, provided that the bag is disposed
- 6 of properly into a litter receptacle or in a place
- 7 designated by the department or the county for
- 8 disposal of garbage and refuse[~~-~~]; or
- 9 (4) If an animal drops fecal matter and the person having
- 10 care or control over the animal immediately places the
- 11 fecal matter into a litter bag; provided that the
- 12 litter bag is disposed of as provided in paragraph
- 13 (3)."

14 SECTION 2. Section 339-4, Hawaii Revised Statutes, is

15 amended by amending subsection (a) to read as follows:

16 "(a) No person shall discard or otherwise dispose of

17 litter in a public place, or on private property, or in the

18 waters of the State except:

- 19 (1) In a place [~~which~~] that is designated by the
- 20 department or the county for the disposal of garbage
- 21 and refuse[~~-~~];



- 1 (2) Into a litter receptacle[-];
- 2 (3) Into a litter bag, provided that the bag is disposed
- 3 of properly into a litter receptacle or in a place
- 4 which is designated by the department or the county
- 5 for the disposal of garbage and refuse[-]; or
- 6 (4) If an animal drops fecal matter and the person having
- 7 care or control over the animal immediately places the
- 8 fecal matter into a litter bag; provided that the
- 9 litter bag is disposed of as provided in paragraph
- 10 (3).

11 It shall be an affirmative defense that the defendant had
12 consent of the owner in control of the property."

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

15 "**§339-8 Penalties.** (a) Except as otherwise provided by
16 subsection (c) or any other provision of this chapter, any
17 person violating any provision of this chapter or any rule
18 adopted under this chapter shall be guilty of a violation, and
19 shall be fined not less than \$100, and not more than \$500 for
20 each offense, and ordered to pick up and remove litter from a
21 public place under the supervision of the director as follows:



H.B. NO. 127

1 (1) For the first offense, the violator shall spend four
2 hours of either picking up litter or performing
3 community service; and

4 (2) For any subsequent offense, the violator shall spend
5 eight hours of either picking up litter or performing
6 community service.

7 (b) If the environmental court judges ~~[the]~~ a violator
8 subject to subsection (a) to be incapable of litter removal and
9 pick up, the environmental court may provide some other
10 community work ~~[as]~~ that it deems appropriate. ~~[All persons who~~
11 ~~are caught littering]~~ Any violator subject to subsection (a)
12 shall be required to remove the litter that ~~[they]~~ the violator
13 caused or shall be liable for the costs of removing that litter.

14 (c) A person who litters by allowing an animal under the
15 person's care or control to drop fecal matter on public or
16 private property shall be subject to a civil penalty of \$500 for
17 each separate occurrence."

18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



H.B. NO. 127

1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 2019.

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INTRODUCED BY: *Linda Delvinger*

JAN 17 2019



H.B. NO. 127

Report Title:

Litter Control; Animals; Pets; Fecal Matter

Description:

Classifies allowing an animal under a person's care or control to drop fecal matter on public or private property as littering. Subjects any violator to a civil penalty of \$500 for each occurrence.

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