

A Bill for an Act Relating to Litter Control.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that, even though Hawaii's natural beauty makes this island state great, the communities that comprise Hawaii still suffer from rampant littering problems. One cause of the problem is lack of enforcement. Hawaii prohibits people from littering from an automobile and in public. This State has even made certain littering acts a criminal offense. For example, with over 1,200,000 residents, the State prosecuted just over four hundred violations of criminal littering or littering from a vehicle.

With enforcement lacking, a greater deterrent is necessary to prevent people who live in and visit Hawaii from littering the State's beautiful 'aina. Presently, the minimum fine assessed against any person who litters is \$25. As is evidenced by the amount of litter seen strewn about the streets in Hawaii, the present fine schedule is not serving its deterrent purpose. This Act seeks to update the current fine schedule to serve as a stronger incentive to keep Hawaii beautiful and clean.

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

“(d) The court shall fine the person convicted of committing the offense of littering at least [~~\$25,~~] \$100, but not more than \$500.”

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

“**§339-8 Penalties.** (a) Except as otherwise provided by this chapter, any person violating any provision of this chapter or any rule adopted [~~hereunder~~] under this chapter shall be guilty of a violation, and shall be fined not less than [~~\$25,~~] \$100, and not more than \$500 for each offense, and ordered to pick up and remove litter from a public place under the supervision of the director as follows:

- (1) For the first offense, [~~defendant~~] the violator shall spend four hours of either picking up litter or performing community service[-]; and
- (2) For any subsequent offense, [~~defendant~~] the violator shall spend eight hours of either picking up litter or performing community service.

(b) If the court judges the violator to be incapable of litter removal and pick up, the court may provide some other community work as it deems appropriate. All persons who are caught littering shall be required to remove the litter that they caused or shall be liable for the costs of removing that litter.”

SECTION 4. Section 708-829, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (1) to read:

“(1) A person commits the offense of criminal littering if that person knowingly places, throws, or drops litter on any public or private property or in any public or private waters, except:

- (a) In a place [~~which is~~] designated by the department of health or the county for the disposal of garbage and refuse;
- (b) Into a litter receptacle;

- (c) Into a litter bag~~[,]~~; provided that the bag is disposed of properly into a litter receptacle or in a place ~~[which is]~~ designated by the department of health or the county for the disposal of garbage and refuse.”

2. By amending subsection (4) to read:

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

- (a) For the first offense, ~~[defendant]~~ the person shall spend four hours of either picking up litter on public property or performing community service~~[-];~~;
- (b) For any subsequent offense, ~~[defendant]~~ the person shall spend eight hours of either picking up litter on public property or performing community service~~[-]; and~~
- (c) The court shall fine the person convicted of committing the offense of criminal littering at least ~~[\$25,]~~ \$500, but not more than ~~[\$500-]~~ \$1,000.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 1, 2006.)