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# A BILL FOR AN ACT

RELATING TO SOLID WASTE CONTROL.

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

1           SECTION 1. Chapter 342H, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§342H-       Illegal dumping awareness program. There is  
5 established within the department an illegal dumping awareness  
6 program. The department shall develop and administer classes to  
7 raise awareness of the effects of illegal solid waste dumping  
8 and deter future violations among offenders of this chapter."

9           SECTION 2. Section 342H-37, Hawaii Revised Statutes, is  
10 amended by amending subsection (c) to read as follows:

11           "(c) Felony disposal of solid waste is a class C felony  
12 for which a maximum fine of \$50,000 for each separate offense  
13 may be imposed[~~-~~]; provided that any person convicted under this  
14 section shall be fined not less than:

15           (1) \$2,500 for the first offense; and

16           (2) \$10,000 for each subsequent offense.

17 Each day of violation shall constitute a separate offense.



1        (d) Any vehicle used in the commission of an offense under  
2 this section shall be forfeited to the State, subject to the  
3 notice and hearing requirements of chapter 712A; provided that  
4 for a first offense, the forfeited vehicle shall be returned to  
5 the owner upon the payment of all fines imposed pursuant to  
6 subsection (c)."

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

9        "(b) Petty misdemeanor disposal of solid waste [~~is~~] shall  
10 be punishable by:

11        (1) A fine of not more than \$25,000 for each separate  
12 offense; provided that:

13        (A) For the first offense, petty misdemeanor disposal  
14 of solid waste shall be punishable by:

15        (i) A mandatory minimum fine of \$500;

16        (ii) Twenty hours of community service to be  
17 completed by picking up solid waste;

18        (iii) \_\_\_\_\_ hours of participation in an illegal  
19 dumping awareness class administered by the  
20 department; and

21        (iv) Not more than thirty days imprisonment, and



1           (B) For the second offense under this section, petty  
2           misdemeanor disposal of solid waste shall be  
3           punishable by:

4           (i) A mandatory minimum fine of \$1,000;

5           (ii) Fifty hours of community service to be  
6           completed by picking up solid waste;

7           (iii) \_\_\_\_\_ hours of participation in an illegal  
8           dumping awareness class administered by the  
9           department; and

10          (iv) Not more than sixty days imprisonment;

11          and

12          ~~[-(2) Not more than thirty days imprisonment for each~~  
13          ~~offense; or~~

14          ~~-(3)]~~ (2) Revocation or suspension by court order of any  
15          contractor's license or any applicable certificate of  
16          authorization from the public utilities commission.

17 Each day of violation shall constitute a separate offense."

18          SECTION 4. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$ \_\_\_\_\_, or so much  
20 thereof as may be necessary for fiscal year 2007-2008, and the  
21 same sum, or so much thereof as may be necessary for fiscal year



1 2008-2009, for the department of health to establish an illegal  
2 dumping awareness program.

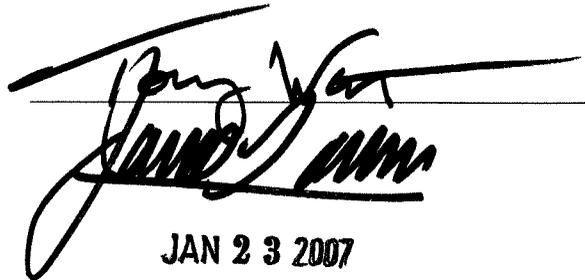
3 The sums appropriated shall be expended by the department  
4 of health for the purposes of this Act.

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

7 SECTION 6. This Act shall take effect on July 1, 2007;  
8 provided that sections 2 and 3 shall take effect on January 1,  
9 2009.

10

INTRODUCED BY:



JAN 23 2007



**Report Title:**

Solid Waste Control; Increased Penalties

**Description:**

Increases criminal penalties for illegal disposal of solid waste. Establishes an illegal dumping awareness program under the department of health, to administer classes relating to illegal dumping awareness.

