
A BILL FOR AN ACT

RELATING TO REFUSE.

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

1 SECTION 1. The legislature finds that as the population in
2 residential communities increases, the amount of refuse and
3 items for disposal also increases. The legislature further
4 finds that although the counties have ordinances and programs to
5 monitor the proper disposal of items, neighborhoods have seen an
6 increase in illegal dump sites, which creates health and safety
7 concerns due to refuse spilling into public domains and large
8 items blocking access to sidewalks. The current procedure for
9 investigating illegal dumping violations and citing violators
10 has proven difficult because illegal dumping can be completed
11 quickly and it often occurs at night or in the early morning.

12 The purpose of this Act is to clarify that probable cause
13 for arrests by law enforcement officers of illegal dumping
14 offenders may be based upon statements from witnesses and
15 photographs, video, and other recordings that can be
16 authenticated by one or more witnesses.



SECTION 2. Section 342H-17, Hawaii Revised Statutes, is amended to read as follows:

" ~~[+]§342H-17[+]~~ **Enforcement by state and county authorities~~[-]~~; probable cause for arrest.** (a) All state and county health authorities and police officers shall enforce this chapter and the rules, orders, and permits of the department.

(b) Arrests for offenses under this chapter or under a county refuse ordinance shall be made in compliance with chapter 803. In addition to any other evidence provided for under chapters 626 and 803, probable cause for the arrests may be based upon:

(1) Statements from individuals who witnessed the offense, even if those individuals are not law enforcement officers; and

(2) Photographs, video recordings, or other recordings that show the commission of the offense and can be authenticated by one or more witnesses."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.
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H.B. NO. 2481

Report Title:

Illegal Dumping; Arrests; Probable Cause

Description:

Clarifies that probable cause for arrests by law enforcement officers of illegal dumping offenders may be based upon statements from witnesses and photographs, video, and other recordings that can be authenticated by one or more witnesses.

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