
A BILL FOR AN ACT

RELATING TO LITTERING.

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

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to part III to be appropriately
3 designated and to read as follows:

4 "§708- Criminal littering in the first degree. (1) A
5 person commits the offense of criminal littering in the first
6 degree if that person knowingly places, throws, drops, or
7 disposes any household hazardous waste on any public or private
8 property or in any public or private waters, except in a place
9 designated by the department of health or the county for the
10 proper disposal of household hazardous waste pursuant to section
11 342G-26(f) and any other applicable state or county law, rule,
12 or ordinance.

13 (2) As used in this section, "household hazardous waste"
14 has the same meaning as defined in section 342G-1.

15 (3) Criminal littering in the first degree is a
16 misdemeanor."



1 SECTION 2. Section 708-829, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§708-829 Criminal littering in the second degree.** (1) A
4 person commits the offense of criminal littering in the second
5 degree if that person knowingly places, throws, or drops litter
6 on any public or private property or in any public or private
7 waters, except:

8 (a) In a place designated by the department of health or
9 the county for the disposal of garbage and refuse;

10 (b) Into a litter receptacle;

11 (c) Into a litter bag; provided that the bag is disposed
12 of properly into a litter receptacle or in a place
13 designated by the department of health or the county
14 for the disposal of garbage and refuse.

15 (2) [~~"Litter"~~] As used in this section, "litter" means
16 rubbish, refuse, waste material, garbage, trash, offal, or
17 debris of whatever kind or description, and whether or not it is
18 of value, and includes improperly discarded paper, metal,
19 plastic, glass, or solid waste.

20 (3) Criminal littering in the second degree is a petty
21 misdemeanor.



1 (4) The court shall sentence any person convicted of
2 committing the offense of criminal littering in the second
3 degree as follows:

4 (a) For the first offense, the person shall spend four
5 hours of either picking up litter on public property
6 or performing community service;

7 (b) For any subsequent offense, the person shall spend
8 eight hours of either picking up litter on public
9 property or performing community service; and

10 (c) The court shall fine the person convicted of
11 committing the offense of criminal littering in the
12 second degree at least \$500, but not more than \$1,000.

13 (5) It shall be an affirmative defense that the defendant
14 had consent of the owner in control of the property."

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

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect upon its approval.

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H.B. NO. 2751

INTRODUCED BY: Carl Gut

JAN 24 2024



H.B. NO. 2751

Report Title:

Criminal Littering; Household Hazardous Waste

Description:

Establishes the misdemeanor offense of criminal littering in the first degree for the improper disposal of household hazardous waste on public or private property or in public or private waters. Amends existing criminal littering offense to be the offense of criminal littering in the second degree.

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