

ACT 97

S.B. NO. 775

A Bill for an Act Relating to Litter Control.

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

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

“§708-829 Criminal littering. (1) A person commits the offense of criminal littering if he knowingly places, throws, or drops litter on any public or private property or in any public or private waters [without the consent of the owner whose interest is affected thereby.], 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) “Litter” means rubbish, refuse, waste material, garbage, trash, offal, or debris of whatever kind or¹ description, and whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass, or solid waste.

(3) Criminal littering is a petty misdemeanor.

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

(a) For the first offense defendant shall spend up to four hours picking up litter on public property; and

(b) For any subsequent offense defendant shall spend up to eight hours picking up litter on public property.

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

SECTION 2. Section 339-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No person shall discard or otherwise dispose of litter in a public place, or on private property, [without the consent of the owner, whose interest is affected thereby,] or in the waters of the State except:

(1) In a place which is designated by the department or the county for the disposal of garbage and refuse.

(2) Into a litter receptacle.

- (3) 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 or the county for the disposal of garbage and refuse.

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

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 14, 1985.)

Note

1. Prior to amendment, "or" read "of".