

ACT 116

S.B. NO. 771

A Bill for an Act Relating to Penalties for Littering.

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

SECTION 1. Section 291C-132, Hawaii Revised Statutes, is amended to read as follows:

“§291C-132 Littering from vehicles. (a) No person shall throw, place, or drop litter from a vehicle on any highway. The driver of the vehicle may be cited for any litter thrown, placed, or dropped from [such] the vehicle.

(b) “Litter” means rubbish, refuse, waste material, garbage, trash, offal, or debris of whatever kind or description, whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass, or solid waste.

(c) The court [may, in addition to the penalties imposed under section 291C-161,] shall sentence any person convicted of the offense of littering from vehicles as follows:

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

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

SECTION 2. Section 339-8, Hawaii Revised Statutes, is amended to read as follows:

“§339-8 Penalties. Except as otherwise provided by this chapter, any person violating any provision of this chapter or any rule adopted hereunder shall be guilty of a violation, and shall be fined not less than \$25, 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 shall spend four hours of either picking up litter or performing community service.
- (2) For any subsequent offense, defendant shall spend eight hours of either picking up litter or performing community service.

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 3. 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] 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) "Litter" means rubbish, refuse, waste material, garbage, trash, offal, or debris of whatever kind or 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] shall 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 of either picking up litter on public property[; and] or performing community service.
 - (b) For any subsequent offense, defendant shall spend [up to] eight hours of either picking up litter on public property or performing community service.
 - (c) The court shall fine the person convicted of committing the offense of criminal littering at least \$25, but not more than \$500.
- (5) It shall be an affirmative defense that the defendant had consent of the owner in control of the property."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 27, 1992.)