

ACT 21

H.B. NO. 662

A Bill for an Act Relating to Criminal Penalties.

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

SECTION 1. Section 342J-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Any person who knowingly:

- (1) Transports any hazardous waste to a storage, treatment, or disposal facility ~~[which]~~ that does not have a permit pursuant to section 342J-5 to treat, store, or dispose of that particular hazardous waste;
- (2) Treats, stores, or disposes of hazardous waste without first having a permit pursuant to section 342J-5, or who violates any term or condition of a permit or variance issued pursuant to this chapter;
- (3) Transports, treats, stores, disposes of, recycles, causes to be transported, or otherwise handles any used oil or used oil fuel in violation of any rules adopted pursuant to this chapter relating to used oil or used oil fuel; ~~[or]~~
- (4) Makes a false statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained, or used, for purposes of compliance with this chapter, including compliance with any rules adopted pursuant to this chapter relating to used oil or used oil fuel; or
- (5) Abandons or causes to be abandoned any hazardous waste, used oil, or used oil fuel;

~~shall be subject to criminal penalties [of not more than \$25,000 for each day of each violation, or imprisonment, not to exceed one year, or both. If the conviction is for a violation committed after a first conviction, criminal punishment shall be by a fine of not more than \$50,000 for each day of each violation, or by imprisonment for not more than two years, or both]. Violations of paragraphs (3) and (4) are misdemeanor offenses. In addition to any other sentence, a person who violates paragraph (3) or (4) may be ordered to pay a fine not to exceed \$25,000 for each day of each violation.~~

Violations of paragraphs (1), (2), and (5) are class C felonies. In addition to any other sentence, a person who violates paragraph (1), (2), or (5) may be ordered to pay a fine not to exceed \$25,000 for each day of each violation.

For purposes of this subsection, “abandon” means the act of deserting or leaving behind a hazardous waste, used oil, or used oil fuel.”

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 3. This Act shall take effect upon its approval.

(Approved April 25, 2001.)