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SB 2682 RELATING TO LITTER PENALTIES

Statement for
Senate Committee on
Agriculture
Public Hearing - February 1, 1990

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SB 2682 would amend HRS 339-8(a) by increasing the penalty for littering from not more than \$500 to not less than \$250 for each offense or require the violator to pick up and remove litter from public places for 115 hours or a combination of both. The bill also provides that all fines received as a result of violation of this chapter would be credited to the State general fund. The amounts collected in excess of the costs incurred for administration would then be returned annually to the counties where the violations occurred. The bill further earmarks the amounts received by the county to be used for law enforcement purposes.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

The overall intent of SB 2682 is certainly commendable and we are pleased to note the legislature's interest and support for improvement of the litter problems in the state. We do not have specific knowledge as to the effectiveness of the present "fine" system but assume that those who do believe that the increase in fines for violators and time required for community litter clean up will provide a stronger incentive for compliance with the litter control laws. Certainly enforcement of what ever fines or clean-up requirements are established is the key issue if the intent of HRS 339 is to be realized.

We do have some questions as to the appropriateness of the provisions of paragraph (b). We assume that the county's law enforcement officers will be the primary enforcers of this chapter. As such, it would seem more appropriate and efficient for funds collected for violations to be deposited directly to the Directors of Finance of each county where the violation occurs rather than first going to the state, an administrative fee deducted, and then returned to the county. For purposes of evaluating the effectiveness of HRS 339, it would seem necessary for each county to provide an annual statement to the Department of Health as to the fines collected or community clean-up hours imposed.

A Unit of Water Resources Research Center

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