

HOUSE BILL REPORT

ESHB 1153

*As Passed House
February 10, 1992*

Title: An act relating to the penalty for littering.

Brief Description: Prescribing monetary penalties for littering.

Sponsor(s): By House Committee on Judiciary (originally sponsored by Representatives Winsley, Rust, Horn, Valle, Edmondson, Neher, Cole, Anderson, Ferguson, Jacobsen, Rasmussen, R. Johnson, Paris, Scott, Betrozoff, Nealey and Sprenkle).

Brief History:

Reported by House Committee on:
Judiciary, February 26, 1991, DPS;
Passed House, March 12, 1991, 98-0;
Passed House, February 10, 1992, 88-1.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1153 be substituted therefor, and the substitute bill do pass.*
Signed by 18 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Bill Perry (786-7123).

Background: Washington's Litter Control and Recycling Act generally prohibits littering anywhere in the State on public property or on the private property of another. Litter is defined as all waste material except the waste products of mining, logging, sawmilling, farming or manufacturing. Litter specifically includes "disposable packages or containers."

The offense of littering is designated as a "misdemeanor" crime. The litter law sets a minimum fine of \$50, but does not specifically provide for any imprisonment. Unless specific lesser penalties are established for an offense, the criminal code provides that the penalty for a

misdemeanor is up to 90 days in jail and a fine of up to \$1,000.

The litter law also requires the court to order a person convicted of littering to spend between 8 and 16 hours picking up litter.

Summary of Bill: Penalties for littering are changed. Littering is decriminalized and made a civil infraction. Littering not more than one cubic foot of material is a class 4 civil infraction with a maximum fine of \$25.00. Littering larger amounts is a class 1 civil infraction with a maximum fine of \$250.00 and a cleanup fee of \$50.00 per cubic foot of litter. In lieu of paying these fines and fees, a person may be ordered to pick up litter as community service.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The law should provide more deterrent to littering. The problem of littering is getting worse despite the current law.

Testimony Against: None.

Witnesses: Prime sponsor.