

SENATE BILL REPORT

ESHB 1153

AS REPORTED BY COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES,
FEBRUARY 20, 1992

Brief Description: Prescribing monetary penalties for littering.

SPONSORS: 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).

HOUSE JUDICIARY COMMITTEE

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Majority Report: Do pass.

Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Snyder, Sumner, and Sutherland.

Staff: Gary Wilburn (786-7453)

Hearing Dates: April 2, 1991; February 20, 1992

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:

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. Littering larger amounts is a class 1 civil infraction with a maximum fine of \$250 and a cleanup fee of \$50 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.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

Modifying penalty from a misdemeanor to a civil infraction will lead to more consistent and increased enforcement of litter laws.

TESTIMONY AGAINST: None

TESTIFIED: Representative Valle (pro)