

SENATE BILL REPORT

SB 5149

AS PASSED SENATE, MARCH 4, 1993

Brief Description: Prescribing monetary penalties for littering.

SPONSORS: Senators Winsley and Roach

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass.

Signed by Senators Fraser, Chairman; Deccio, McCaslin, Moore, Sutherland, and Talmadge.

Staff: Shannon Murphy (786-7483)

Hearing Dates: January 25, 1993; February 8, 1993

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. 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:

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:

Decriminalization of the existing litter penalties will ease the process of enforcement and collection of litter violations. A misdemeanor requires a court hearing, a civil infraction does not.

TESTIMONY AGAINST: None

TESTIFIED: Senator Winsley (pro); Brad Everson, Department of Ecology (pro); Bill Fosbre, Office of the Administrator for the Courts