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## A BILL FOR AN ACT

RELATING TO BOATING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 200-26, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§200-26 Arrest or citation. (a) Except when required by  
4 state law to take immediately before a district judge a person  
5 arrested for a violation of any provision of this part,  
6 including any rule adopted pursuant to this part, any person  
7 authorized to enforce this part, hereinafter referred to as an  
8 enforcement officer, upon arresting a person for violation of  
9 any provision of this part, including any rule adopted pursuant  
10 to this part, [~~in the discretion of the enforcement officer,~~]  
11 shall [~~either~~]:

- 12 (1) For moving violations that do not pose an imminent and  
13 serious threat to public health or safety, if it is  
14 the first such purported violation by an individual,  
15 issue to the purported violator a warning citation; or  
16 (2) For non-moving violations that do not pose an imminent  
17 and serious threat to public health or safety, issue a  
18 citation to the purported violator imposing a fine of



1           not less than \$25 and not more than \$50, payable to  
2           the Department of Land and Natural Resources; or

3           (3) For all other violations of any provision of this  
4           part, in the discretion of the enforcement officer,  
5           either;

6           ~~[-1-]~~ (A) Issue to the purported violator a summons or  
7           citation, printed in the form described, warning the  
8           purported violator to appear and answer to the charge  
9           against the purported violator at a certain place and  
10          at a time within seven days after such arrest; or

11          ~~[-2-]~~ (B) Take the purported violator without unnecessary  
12          delay before a district judge.

13          (b) The summons or citation shall be printed in a form  
14          comparable to the form of other summonses and citations used for  
15          arresting offenders and shall be designed to provide for  
16          inclusion of all necessary information. The form and content of  
17          such summons or citation shall be adopted or prescribed by the  
18          district courts.

19          The original of the summons or citation shall be given to  
20          the purported violator and the other copy or copies distributed  
21          in the manner prescribed by the district courts; provided that



1 the district courts may prescribe alternative methods of  
2 distribution for the original and any other copies.

3 Summons and citations shall be consecutively numbered and  
4 the carbon copy or copies of each shall bear the same number.

5 (c) Any person who fails to appear at the place and within  
6 the time specified in the summons or citation issued to the  
7 person by the enforcement officer, upon the person's arrest for  
8 violation of any provision of this part, including any rule  
9 adopted pursuant to this part, shall be guilty of a misdemeanor.

10 In the event any person fails to comply with a summons or  
11 citation issued to that person, or if any person fails or  
12 refuses to deposit bail as required, the enforcement officer  
13 shall cause a complaint to be entered against that person and  
14 secure the issuance of a warrant for the person's arrest.

15 (d) When a complaint is made to any prosecuting officer of  
16 the violation of any provision of this part, including any rule  
17 adopted thereunder, the enforcement officer who issued the  
18 summons or citation shall subscribe to it under oath  
19 administered by another official of the department whose name  
20 has been submitted to the prosecuting officer and who has been  
21 designated by the chairperson to administer the same."



# H.B. NO. 1884

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

3 SECTION 3. This Act shall take effect upon its approval.  
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**Report Title:**

Citations; boating

**Description:**

Requires an enforcement officer to issue a warning for a moving violation of a boat that does not pose an imminent threat and requires the issuance of a citation for non-moving violations.

