

JAN 19 2018

A BILL FOR AN ACT

RELATING TO AERONAUTICS.

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

1 SECTION 1. The legislature finds that the imposition of
2 criminal penalties for violations of certain categories of
3 airport rules has been excessive and disproportionate to the
4 gravity of the acts committed. A more just approach would be to
5 impose only civil penalties for violations of rules relating to
6 airport safety and licensing of persons engaged in commercial
7 activities at public airports, and reserve criminal penalties
8 for conduct that causes more harm. Furthermore, the legislature
9 recognizes that the current misdemeanor penalty for certain
10 airport offenses can result in significantly harsh consequences.
11 For example, a holder of a pilots' license, military security
12 clearance, civilian federal security clearance, or professional
13 license, such as doctor, lawyer, or certified public accountant,
14 may lose the clearance or license because of a criminal
15 conviction. Sometimes, the loss of the clearance or license and
16 its associated privileges may continue for the person's entire
17 lifetime.



1 The purpose of this Act is to replace criminal penalties
2 for certain airport offenses addressed in chapter 261, Hawaii
3 Revised Statutes, or in certain administrative rules or orders
4 issued pursuant thereto, with a civil penalty.

5 SECTION 2. Section 261-21, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Except as provided in subsection (c), any person
8 violating this chapter, or any of the rules or orders issued
9 pursuant thereto and ~~[relating to:~~

10 ~~(1) Safety measures, practices, or requirements;~~

11 ~~(2) Airport security measures or requirements; or~~

12 ~~(3) The licensing and regulation of persons engaged in~~
13 ~~commercial activities at public airports,]~~

14 duly adopted or served, shall be ~~[guilty of a misdemeanor.]~~
15 subject to the following penalties:

16 (1) When safety measures, practices, or requirements are
17 involved, the person shall be guilty of a violation
18 and subject to a civil penalty not to exceed \$200;

19 (2) When airport security measures or requirements are
20 involved, the person shall be guilty of a misdemeanor;

21 or



(3) When the licensing and regulation of persons engaged in commercial activities at public airports is involved, the person shall be guilty of a violation and subject to a civil penalty not to exceed \$200."

SECTION 3. It is the intent of this Act not to jeopardize the receipt of any federal aid nor to impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any such agency, and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall promptly report any such modification with reasons therefor to the legislature at its next session thereafter for review by the legislature.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2018.

INTRODUCED BY:

~~SEN. C. Keith~~
J
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S.B. NO. 2619

Report Title:

Aeronautics; Administrative Rules; Penalties

Description:

Replaces criminal penalties for certain airport offenses addressed in Chapter 261, Hawaii Revised Statutes, or in certain administrative rules or orders issued pursuant thereto, with a civil penalty.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

