
A BILL FOR AN ACT

RELATING TO PENALTIES FOR VIOLATIONS ON CERTAIN STATE LANDS.

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

1 SECTION 1. The purpose of this Act is to make resolution
2 of traffic infractions as simple as possible for the average
3 citizen and to ensure that police, prosecutorial, and judicial
4 resources are focused on the most serious criminal offenses.
5 This Act decriminalizes traffic infractions within the
6 department of land and natural resources' natural area reserves,
7 game management areas, wildlife sanctuaries, and public hunting
8 areas so that they are consistent with the penalties for similar
9 infractions established for the state park system by Act 101,
10 Session Laws of Hawaii 2008.

11 SECTION 2. Section 183D-5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§183D-5 Penalties.** (a) Any person violating section
14 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under
15 this chapter shall be guilty of a petty misdemeanor, and upon
16 conviction thereof, shall be punished as follows:



- 1 (1) For a first conviction, by a mandatory fine of not
2 less than \$100, or imprisonment of not more than
3 thirty days, or both and all animal parts, products,
4 or items containing prohibited animal parts or
5 products involved in the commission of the violations
6 shall be considered contraband to be forfeited to and
7 disposed of by the State;
- 8 (2) For a second conviction within five years of a
9 previous conviction, by a mandatory fine of not less
10 than \$500, or by imprisonment of not more than thirty
11 days, or both, and all firearms used in the commission
12 of the violations shall be considered contraband to be
13 forfeited to and disposed of by the State; and
- 14 (3) For a third or subsequent conviction within five years
15 of the first two or more convictions, by a mandatory
16 fine of not less than \$1,000, or by imprisonment of
17 not more than thirty days, or both, and all firearms
18 used in the commission of the violations shall be
19 considered contraband to be forfeited to and disposed
20 of by the State.



1 (b) Any person violating section [~~183D-66,~~] 183D-25.5,
2 183D-26, 183D-27, 183D-32, 183D-62, [~~or~~] 183D-64, or 183D-66
3 shall be guilty of a misdemeanor, and upon conviction thereof,
4 shall be punished as follows:

5 (1) For a first conviction by a mandatory fine of not less
6 than \$200, or by imprisonment of not more than one
7 year, or both and all animal parts, products, or items
8 containing prohibited animal parts or products
9 involved in the commission of the violations shall be
10 considered contraband to be forfeited to and disposed
11 of by the State;

12 (2) For a second conviction within five years of a
13 previous conviction, by a mandatory fine of not less
14 than \$1,000, or by imprisonment of not more than one
15 year, or both, and all firearms, animal parts,
16 products, or items containing prohibited animal parts
17 or products used in the commission of the violations
18 shall be considered contraband to be forfeited to and
19 disposed of by the State; and

20 (3) For a third or subsequent conviction within five years
21 of the first two or more convictions, by a mandatory



1 fine of not less than \$2,000, or by imprisonment of
2 not more than one year, or both, and all firearms,
3 animal parts, products, or items containing prohibited
4 animal parts or products used in the commission of the
5 violations shall be considered contraband to be
6 forfeited to and disposed of by the State.

7 (c) Any person who violates section 183D-52 shall be
8 guilty of a misdemeanor, and upon conviction thereof, shall be
9 punished as follows:

10 (1) For a first conviction, by a mandatory fine of not
11 less than \$10,000 and payment of any costs incurred in
12 the eradication of any deer and the deer's progeny
13 that has been possessed, transferred, transported, or
14 released after transport, or by imprisonment of not
15 more than one year, or both;

16 (2) For a second conviction within five years of a
17 previous conviction, by a mandatory fine of not less
18 than \$15,000 and payment of any costs incurred in the
19 eradication of any deer and the deer's progeny that
20 has been possessed, transferred, transported, or



1 released after transport, or by imprisonment of not
2 more than one year, or both; and

3 (3) For a third or subsequent conviction within five years
4 of the first two or more convictions, by a mandatory
5 fine of not less than \$25,000 and payment of any costs
6 incurred in the eradication of any deer and the deer's
7 progeny that has been possessed, transferred,
8 transported, or released after transport, or by
9 imprisonment of not more than one year, or both.

10 (d) Any person who violates section 183D-35, 183D-36,
11 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42 shall be guilty
12 of a petty misdemeanor, and upon conviction thereof, shall be
13 fined not less than \$100 or imprisoned not more than thirty
14 days, or both.

15 (e) In addition to any other penalty imposed under this
16 section, a mandatory fine of \$100 shall be levied for each bird
17 illegally taken under this chapter and a mandatory fine of \$500
18 shall be levied for each mammal illegally taken under this
19 chapter.

20 (f) Any person who violates any rule adopted by the
21 department under this chapter regulating vehicular parking or



1 traffic movement shall have committed a traffic infraction as
2 set forth in chapter 291D, the adjudication of which shall be
3 subject to the provisions contained therein. A person found to
4 have committed such a traffic infraction shall be fined no more
5 than:

6 (1) \$100 for a first violation;

7 (2) \$200 for a second violation; and

8 (3) \$500 for a third or subsequent violation.

9 [~~f~~] (g) Any person who is convicted of violating any of
10 the game laws of the State, except as provided in subsection
11 (f), shall immediately have the person's hunting license
12 forfeited and any person convicted for a second offense shall
13 not be granted a license to hunt for a period of three years
14 after the date of the second conviction.

15 [~~g~~] (h) The environmental court, in lieu of the actual
16 cash payment of any mandatory fine, may allow the defendant to
17 perform the community service as directed by the department of
18 land and natural resources at the rate of one hour of service
19 for every \$10 of mandatory fine imposed.

20 [~~h~~] (i) Any criminal action against a person for any
21 violation of this chapter or any rule adopted thereunder shall



1 not be deemed to preclude the State from pursuing civil legal
2 action to recover administrative fines and costs, or monetary
3 assessments, against that person. Any civil legal action
4 against a person to recover administrative fines and costs, or
5 monetary assessments, for any violation of subtitle 4 of title
6 12 or any rule adopted thereunder, or the conditions and
7 restrictions of any license, permit, or check station issued or
8 operated pursuant thereto, shall not be deemed to preclude the
9 State from pursuing any criminal action against that person."

10 SECTION 3. Section 195-8, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§195-8 Penalty.** (a) [~~Any~~] Except as provided in
13 subsection (b), any person who violates any of the laws and
14 rules applicable to the reserves system, upon conviction
15 thereof, shall be guilty of a misdemeanor and shall be fined not
16 less than \$1,000 or imprisoned not more than one year, or both,
17 for each offense.

18 (b) Any person who violates any section of this chapter or
19 rule adopted by the department under this chapter regulating
20 vehicular parking or traffic movement shall have committed a
21 traffic infraction as set forth in chapter 291D, the



1 adjudication of which shall be subject to the provisions
2 contained therein. A person found to have committed such a
3 traffic infraction shall be fined no more than:

4 (1) \$100 for a first violation;

5 (2) \$200 for a second violation; and

6 (3) \$500 for a third or subsequent violation.

7 [~~(b)~~] (c) Except as otherwise provided by law, the board
8 or its authorized representative by proper delegation is
9 authorized to set, charge, and collect administrative fines or
10 bring legal action to recover administrative fees and costs as
11 documented by receipts or affidavit, including [~~attorneys'~~]
12 attorney's fees and costs; or bring legal action to recover
13 administrative fines, fees, and costs, including [~~attorneys'~~]
14 attorney's fees and costs, or payment for damages or for the
15 cost to correct damages resulting from a violation of this
16 chapter or any rule adopted thereunder. The administrative
17 fines shall be as follows:

18 (1) For a first violation, a fine of not more than \$2,500;

19 (2) For a second violation within five years of a previous
20 violation, a fine of not more than \$5,000; and



1 (3) For a third or subsequent violation within five years
2 of the last violation, a fine of not more than
3 \$10,000.

4 ~~[(e)]~~ (d) Any criminal action against a person for any
5 violation of this chapter or any rule adopted thereunder shall
6 not be deemed to preclude the State from pursuing civil legal
7 action to recover administrative fines and costs, or monetary
8 assessments, against that person. Any civil legal action
9 against a person to recover administrative fines and costs, or
10 monetary assessments, for any violation of this chapter or any
11 rule adopted thereunder shall not be deemed to preclude the
12 State from pursuing any criminal action against that person."

13 SECTION 4. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on January 1, 2050.



Report Title:

Traffic Infractions; Decriminalization

Description:

Decriminalizes traffic infractions within natural area reserves, game management areas, wildlife sanctuaries, and public hunting areas. Effective 1/1/2050. (HD1)

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

