

JAN 27 2021

A BILL FOR AN ACT

RELATING TO FISHERMAN SAFETY.

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

1 SECTION 1. The legislature finds that state law currently
2 protects fishers from harassment if they are taking fish
3 pursuant to a freshwater game fishing license. There is a need
4 to extend these protections to all persons fishing in marine
5 waters to promote the safety and enjoyment of individuals
6 engaged in fishing activities.

7 The legislature further finds that Makai Watch is an
8 official program of the department of land and natural resources
9 that enhances protection of nearshore and coastal resources by
10 providing community members opportunities to work and interact
11 with resource managers and enforcement officers in their
12 community. The Makai Watch program plays an important role as
13 the eyes and ears of the division of conservation and resources
14 enforcement. Makai Watch volunteers participate in two types of
15 activities:

- 16 (1) Observation and incident reporting; and
17 (2) Awareness raising and outreach.



1 Volunteers in the Makai Watch program are trained to conduct
2 these activities in a manner that does not interfere with
3 fishing activities.

4 The purpose of this Act is to:

- 5 (1) Prohibit purposeful harassment with the intent to
6 prevent the taking of fish for people who are fishing;
7 and
8 (2) Extend protections against harassment to all persons
9 fishing in marine waters.

10 SECTION 2. Section 188-71, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[~~§~~188-71] **Harassment of fishermen; prohibition.** (a)
13 No person shall intentionally prevent or attempt to prevent the
14 lawful taking of fish by a person [~~licensed pursuant to section~~
15 ~~188-50~~] fishing in state waters by[+] purposely:

- 16 (1) Placing the person's self in a location in which human
17 presence may affect the behavior of fish to be taken
18 or the feasibility of taking such fish;
19 (2) Creating a visual, aural, olfactory, or physical
20 stimulus to affect the behavior of fish to be taken;



1 (3) Affecting the condition or placement of personal
2 property intended for use in the taking; or
3 (4) Obstructing the person's access to areas in which the
4 person intends to lawfully take fish~~(-)~~,
5 with the intent to prevent the taking of fish.

6 (b) No person shall enter or remain upon public lands or
7 waters, or upon private lands or waters, without permission of
8 the owner or the owner's agent, with intent to violate this
9 section.

10 (c) It shall not be a violation of subsection (a) to:

11 (1) Take photographs or video recording of a person
12 engaged in the taking of fish or related activities
13 while over one hundred feet away from the person; or

14 (2) Engage in activities pursuant to the department of
15 land and natural resources' makai watch program.

16 ~~(c)~~ (d) The maximum penalty for violation of subsection
17 (a) or (b) is a fine of \$500, thirty days imprisonment, or
18 both."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



S.B. NO. 1012

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

3 SECTION 5. This Act shall take effect upon its approval.

4

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "D.K.R.", written over a horizontal line.

S.B. NO. 1012

Report Title:

Harassment; Fishermen

Description:

Prohibits purposeful harassment with the intent to prevent the taking of fish from persons who are fishing in state waters.

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

