



GOV. MSG. NO. 1151

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 8, 2021

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 8, 2021, the following bill was signed into law:

HB0553 HD2 SD2 CD1

RELATING TO THE PROTECTION OF SHARKS.
ACT 051 (21)

Sincerely,

DAVID Y. IGE

Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO THE PROTECTION OF SHARKS.

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

1 SECTION 1. The legislature finds that sharks, known as
2 manō in the Hawaiian language, are extremely important to ocean
3 ecosystems. As ocean predators near the top of the food chain,
4 sharks keep the ecosystem balanced, regulate populations of
5 other marine life, and ensure healthy fish stock and reefs.

6 The legislature further finds that there have been numerous
7 incidents reported where young sharks, such as hammerhead shark
8 pups, are killed by being entangled in gill nets set in shark
9 nursery habitats. The legislature also finds that prohibiting
10 the placement of gill nets in areas determined to be shark
11 nursery habitats would be an effective tool to protect shark
12 populations.

13 The purpose of this Act is to protect sharks for their
14 ecological value while not criminalizing the accidental capture
15 and release of sharks that may be captured while fishing for
16 other species as allowed by statute or rule.



1 SECTION 2. Chapter 188, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§188- Sharks; mano; prohibitions; exceptions;
5 penalties and fines. (a) Except as provided in subsection (f),
6 or as otherwise provided by law, no person shall intentionally
7 or knowingly capture or entangle any shark, whether alive or
8 dead, or kill any shark, within state marine waters.

9 (b) Any person violating this section or any rule adopted
10 pursuant to this section shall be guilty of a misdemeanor;
11 provided that the fine for violating this section shall be:

- 12 (1) \$500 for a first offense;
- 13 (2) \$2,000 for a second offense; and
- 14 (3) \$10,000 for a third or subsequent offense.

15 (c) A person convicted of violating this section may be
16 sentenced to pay a civil fine not exceeding \$10,000 per offense.

17 (d) In addition to any other penalty imposed under this
18 section, a person violating this section shall be subject to:

- 19 (1) An administrative fine of no more than \$10,000 for
20 each shark captured or entangled, whether alive or
21 dead, or killed in violation of this section;



- 1 (2) Seizure and forfeiture of any captured sharks or any
2 part or product therefrom, commercial marine license,
3 vessel, and fishing equipment; and
- 4 (3) Assessment of administrative fees and costs, and
5 attorney's fees and costs.
- 6 (e) The criminal penalties and administrative fines, fees,
7 and costs shall be assessed per shark captured or entangled,
8 whether dead or alive, or killed in violation of this section.
- 9 (f) This section shall not apply to:
- 10 (1) Special activity permits issued under section 187A-6;
- 11 (2) The department of land and natural resources or its
12 designated agent if the capture or entanglement,
13 whether alive or dead, or killing is for the
14 protection of public safety;
- 15 (3) Sharks taken outside of state marine waters and
16 possessed on a vessel in state marine waters pursuant
17 to any federally managed fishery, with the required
18 documentation of the location where the capture
19 occurred;
- 20 (4) Any person if the capture or entanglement, whether
21 alive or dead, or killing is the result of



1 self-defense, or the defense of another, against death
2 or bodily harm; and

3 (5) Any person who captures or kills a shark pursuant to a
4 permit issued by the department of land and natural
5 resources under subsection (i).

6 (g) Nothing in this section shall be construed to restrict
7 the exercise of traditional and customary rights protected
8 pursuant to article XII, section 7, of the Hawaii State
9 Constitution.

10 (h) The department of land and natural resources may adopt
11 rules pursuant to chapter 91 to implement this section for
12 purposes including but not limited to:

13 (1) Ensuring that the incidental capture and release of
14 sharks while targeting other species is not a
15 violation;

16 (2) Preventing the wanton waste of sharks; and

17 (3) Limiting gear, such as gill nets, in areas identified
18 as shark nursery habitats.

19 (i) The department of land and natural resources may issue
20 a non-commercial permit for the take of sharks, subject to
21 permit conditions that shall include native Hawaiian cultural



1 protocol, size and species restrictions, and a prohibition on
2 species listed as endangered or threatened pursuant to
3 section 195D-4.

4 (j) For the purposes of this section, "shark" means any
5 species of shark within the subclass Elasmobranchii."

6 SECTION 3. Section 188-70, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Any person violating any provision of or any rule
9 adopted pursuant to this chapter, except sections 188-23 [~~and~~],
10 188-39.5, and 188- , is guilty of a petty misdemeanor and, in
11 addition to any other penalties, shall be fined [~~not~~] no less
12 than:

- 13 (1) \$100 for a first offense;
- 14 (2) \$200 for a second offense; and
- 15 (3) \$500 for a third or subsequent offense."

16 SECTION 4. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 6. This Act shall take effect on January 1, 2022.



H.B. NO. 553
H.D. 2
S.D. 2
C.D. 1

APPROVED this 08 day of JUN, 2021

A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a large, sweeping flourish at the end.

GOVERNOR OF THE STATE OF HAWAII

HB No. 553, HD 2, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives





Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: April 27, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2021.


President of the Senate


Clerk of the Senate