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# A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

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

1           SECTION 1. The legislature finds that Hawaii's aquatic  
2 resources serve significant economic, ecologic, cultural, and  
3 aesthetic importance to agriculture, tourism, food production,  
4 and fisheries in the State. The legislature also recognizes the  
5 importance of managing and conserving Hawaii's aquatic resources  
6 and ecosystem for present and future generations. Careful  
7 stewardship and protection of Hawaii's aquatic resources are  
8 essential to the well-being of our island state.

9           The purpose of this Act is to strengthen the penalties for  
10 violations of the State's aquatic resources law by:

11           (1) Specifying that any equipment, article, instrument,  
12           aircraft, vehicle, vessel, business record, or other  
13           asset used in fishing, possession, or sale of aquatic  
14           life in violation of the aquatic resources law is  
15           subject to forfeiture;

16           (2) Authorizing the imposition of a criminal fine;



- 1 (3) Clarifying that the fine structure for violations
- 2 involving threatened or endangered species is assessed
- 3 on a per-specimen basis;
- 4 (4) Making violations of the aquatic resources law a
- 5 misdemeanor, rather than a petty misdemeanor; and
- 6 (5) Permitting the department of land and natural
- 7 resources to recommend community service that benefits
- 8 the resource damaged when a person is ordered to
- 9 perform community service in lieu of a fine.

10 SECTION 2. Chapter 187A, Hawaii Revised Statutes, is  
 11 amended by adding two new sections to be appropriately  
 12 designated and to read as follows:

13 "§187A- Seizure; forfeiture of property. Any  
 14 equipment, article, instrument, aircraft, vehicle, vessel,  
 15 business record, or other asset used in fishing, possession, or  
 16 sale of aquatic life in violation of this chapter may be seized  
 17 and shall be subject to forfeiture according to the procedures  
 18 set forth in chapter 712A.

19 §187A- Criminal fine. (a) In addition to any other  
 20 civil or administrative penalties that may apply under this  
 21 chapter, any person who is convicted of intentionally violating



1 this chapter may be subject to a fine imposed under  
2 section 706-640.

3 (b) Moneys from the fine collected pursuant to this  
4 section shall be deposited to the credit of the conservation and  
5 resources enforcement special fund established pursuant to  
6 section 199-1.5."

7 SECTION 3. Section 187A-12.5, Hawaii Revised Statutes, is  
8 amended by amending subsections (b) and (c) to read as follows:

9 "(b) For violations involving threatened or endangered  
10 species, the administrative fines shall be as follows:

11 (1) For a first violation, a fine of [~~not~~] no more than  
12 \$5,000[+] for each specimen;

13 (2) For a second violation within five years of a previous  
14 violation, a fine of [~~not~~] no more than \$10,000[+] for  
15 each specimen; and

16 (3) For a third or subsequent violation within five years  
17 of the last violation, a fine of [~~not~~] no more than  
18 \$15,000[+] for each specimen.

19 (c) For all other violations the administrative fines  
20 shall be as follows:



- 1 (1) For a first violation, a fine of [~~not~~] no more than
- 2 \$1,000[+] for each specimen;
- 3 (2) For a second violation within five years of a previous
- 4 violation, a fine of [~~not~~] no more than \$2,000[+] for
- 5 each specimen; and
- 6 (3) For a third or subsequent violation within five years
- 7 of the last violation, a fine of [~~not~~] no more than
- 8 \$3,000[-] for each specimen."

9 SECTION 4. Section 187A-13, Hawaii Revised Statutes, is  
 10 amended as follows:

11 1. By amending subsection (a) to read:

12 "(a) Any person violating this chapter or any rule adopted  
 13 thereunder for which a penalty is not otherwise provided, shall  
 14 be guilty of a [~~petty~~] misdemeanor and, in addition to any other  
 15 penalties, shall be fined [~~not~~] no less than:

- 16 (1) \$250 for a first offense;
- 17 (2) \$500 for a second offense; and
- 18 (3) \$1,000 for a third or subsequent offense."

19 2. By amending subsection (c) to read:

20 "(c) The court may direct the defendant to perform  
 21 community service as administered by the department in lieu of



1 paying any monetary fine authorized by this section[-]; provided  
2 that if community service is ordered pursuant to this section,  
3 the department may recommend to the court community service that  
4 benefits the resource that was damaged."

5 SECTION 5. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8 SECTION 6. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect on January 1, 2050.



**Report Title:**

Aquatic Resources; Intentional Violations; Penalties; Fines;  
Forfeiture

**Description:**

Specifies that any equipment, article, instrument, aircraft, vehicle, vessel, business record, or other asset used in fishing, possession, or sale of aquatic life in violation of the aquatic resources law is subject to forfeiture. Authorizes the imposition of a criminal fine. Clarifies that the fine structure is assessed on a per-specimen basis. Makes violations of the aquatic resources law a misdemeanor, rather than a petty misdemeanor. Permits the department of land and natural resources to recommend community service that benefits the resource damaged when a person is ordered to perform community service in lieu of a fine. Effective 7/1/2050. (HD2)

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

