

JAN 22 2021

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 "mano" in the Hawaiian language, are extremely important to
3 ocean ecosystems. As ocean predators near the top of the food
4 chain, sharks keep the ecosystem balanced, regulate populations
5 of other marine life, and ensure healthy fish stock and reefs.

6 The legislature also finds that sharks are more vulnerable
7 than most other fish species. They are long-lived and
8 slow-growing, start reproducing at an advanced age, and produce
9 relatively few offspring per year. If the food chain is
10 disrupted by a decline in the shark population, it affects the
11 entire reef system. Protection for sharks ultimately means
12 healthier, more resilient oceans and reefs that are better able
13 to withstand other pressures on the ocean ecosystem from climate
14 change and pollution.

15 The legislature further finds that sharks on the reefs not
16 only play important ecological roles, but are also valued
17 figures in Hawaiian culture. The benefits of maintaining viable



S.B. NO. 504

1 populations greatly outweigh any value that would be gained by
2 killing these species.

3 The purpose of this Act is to protect sharks for their
4 ecological value and for their value to native Hawaiian cultural
5 practices.

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

9 "§188- Sharks; mano; prohibitions; exceptions; penalties
10 and fines. (a) Except as provided in subsection (e), or as
11 otherwise provided by law, no person shall knowingly capture or
12 entangle any shark, whether alive or dead, or kill any shark,
13 within state marine waters.

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

- 17 (1) \$500 for a first offense;
18 (2) \$2,000 for a second offense; and
19 (3) \$10,000 for a third or subsequent offense.

20 (c) In addition to any other penalty imposed under this
21 section, a person violating this section shall be subject to:



- 1 (1) An administrative fine of no more than \$10,000 for
2 each shark captured, entangled, whether alive or dead,
3 or killed in violation of this section;
- 4 (2) Seizure and forfeiture of any captured sharks or any
5 part or product therefrom, commercial marine license,
6 vessel, and fishing equipment; and
- 7 (3) Assessment of administrative fees and costs, and
8 attorney's fees and costs.
- 9 (d) The criminal penalties and administrative fines, fees,
10 and costs shall be assessed per shark captured, entangled,
11 whether dead or alive, or killed in violation of this section.
- 12 (e) This section shall not apply to:
- 13 (1) Special activity permits issued under section 187A-6
14 or any person who holds a license or permit issued by
15 the department to conduct research;
- 16 (2) The department of land and natural resources or its
17 designated agent if the capture, entanglement, whether
18 alive or dead, or killing is for the protection of
19 public safety;
- 20 (3) Sharks taken outside of state marine waters and
21 possessed on a vessel in state marine waters pursuant



1 to any federally managed fishery, with the required
2 documentation of the location where the capture
3 occurred; and

4 (4) Any person if the capture, entanglement, whether alive
5 or dead, or killing is the result of defense of the
6 person's self or of another against death or bodily
7 harm.

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

12 (g) For the purposes of this section, "shark" means any
13 species of shark within the subclass Elasmobranchii."

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

16 "(a) Any person violating any provision of or any rule
17 adopted pursuant to this chapter, except sections 188-23 [~~and~~],
18 188-39.5, and 188-___, is guilty of a petty misdemeanor and, in
19 addition to any other penalties, shall be fined not less than:

20 (1) \$100 for a first offense;

21 (2) \$200 for a second offense; and



S.B. NO. 504

1 (3) \$500 for a third or subsequent offense."

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

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

7 SECTION 6. This Act shall take effect upon its approval.

8

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Mike Hubbard", is written over a horizontal line. The signature is stylized and cursive.

S.B. NO. 504

Report Title:

Sharks; Prohibitions; Penalties; Exemptions

Description:

Establishes an offense of knowingly capturing, entangling, or killing a shark in state marine waters, and provides penalties and fines. Provides certain exemptions.

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

