

JAN 19 2022

A BILL FOR AN ACT

RELATING TO FISHING.

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

1 SECTION 1. Section 188-23, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:
4 "§188-23 Possession or use of explosives, electrofishing
5 devices, unmanned aerial vehicles, and poisonous substances in
6 state waters prohibited; exception. (a) It is unlawful to
7 possess or use on, in, or near state waters, any explosives,
8 electrofishing devices, [œ] any source of electrical energy
9 with appurtenant devices for the introduction of electricity
10 into the water, or unmanned aerial vehicles, for the purpose of
11 taking aquatic life, except under the terms and conditions of a
12 permit first obtained by the user from the department. The
13 department may issue permits for the possession or use of
14 electrofishing devices or unmanned aerial vehicles consistent
15 with other legal requirements. For the purposes of this
16 subsection, "unmanned aerial vehicle" means any aerial vehicle
17 that is operated without the possibility of direct human



1 intervention within or on the aerial vehicle. The term
2 "unmanned aerial vehicle" does not include a remote-controlled
3 airplane."

4 SECTION 2. Section 706-606.5, Hawaii Revised Statutes, is
5 amended by amending subsection (1) to read as follows:

6 "(1) Notwithstanding section 706-669 and any other law to
7 the contrary, any person convicted of murder in the second
8 degree, any class A felony, any class B felony, or any of the
9 following class C felonies:

10 (a) Section 134-7 relating to persons prohibited from
11 owning, possessing, or controlling firearms or
12 ammunition;

13 (b) Section 134-8 relating to ownership, etc., of certain
14 prohibited weapons;

15 (c) Section 134-17 only as it relates to providing false
16 information or evidence to obtain a permit under
17 section 134-9;

18 (d) Section 188-23 relating to possession or use of
19 explosives, electrofishing devices, unmanned aerial
20 vehicles, and poisonous substances in state waters;



- 1 (e) Section 386-98(d)(1) relating to fraud violations and
- 2 penalties;
- 3 (f) Section 431:2-403(b)(2) relating to insurance fraud;
- 4 (g) Section 707-703 relating to negligent homicide in the
- 5 second degree;
- 6 (h) Section 707-711 relating to assault in the second
- 7 degree;
- 8 (i) Section 707-713 relating to reckless endangering in
- 9 the first degree;
- 10 (j) Section 707-716 relating to terroristic threatening in
- 11 the first degree;
- 12 (k) Section 707-721 relating to unlawful imprisonment in
- 13 the first degree;
- 14 (l) Section 707-732 relating to sexual assault in the
- 15 third degree;
- 16 (m) Section 707-752 relating to promoting child abuse in
- 17 the third degree;
- 18 (n) Section 707-757 relating to electronic enticement of a
- 19 child in the second degree;
- 20 (o) Section 707-766 relating to extortion in the second
- 21 degree;



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- 1 (p) Section 708-811 relating to burglary in the second
- 2 degree;
- 3 (q) Section 708-821 relating to criminal property damage
- 4 in the second degree;
- 5 (r) Section 708-831 relating to theft in the second
- 6 degree;
- 7 (s) Section 708-835.5 relating to theft of livestock;
- 8 (t) Section 708-836 relating to unauthorized control of
- 9 propelled vehicle;
- 10 (u) Section 708-839.55 relating to unauthorized possession
- 11 of confidential personal information;
- 12 (v) Section 708-839.8 relating to identity theft in the
- 13 third degree;
- 14 (w) Section 708-852 relating to forgery in the second
- 15 degree;
- 16 (x) Section 708-854 relating to criminal possession of a
- 17 forgery device;
- 18 (y) Section 708-875 relating to trademark counterfeiting;
- 19 (z) Section 710-1071 relating to intimidating a witness;
- 20 (aa) Section 711-1103 relating to riot;



1 (bb) Section 712-1221 relating to promoting gambling in the
2 first degree;

3 (cc) Section 712-1224 relating to possession of gambling
4 records in the first degree;

5 (dd) Section 712-1247 relating to promoting a detrimental
6 drug in the first degree; or

7 (ee) Section 846E-9 relating to failure to comply with
8 covered offender registration requirements,
9 or who is convicted of attempting to commit murder in the second
10 degree, any class A felony, any class B felony, or any of the
11 class C felony offenses enumerated above and who has a prior
12 conviction or prior convictions for the following felonies,
13 including an attempt to commit the same: murder, murder in the
14 first or second degree, a class A felony, a class B felony, any
15 of the class C felony offenses enumerated above, or any felony
16 conviction of another jurisdiction, shall be sentenced to a
17 mandatory minimum period of imprisonment without possibility of
18 parole as provided in subsection (2)."

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.



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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.

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INTRODUCED BY: *Araceli R. Arroyo*



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Report Title:

Unmanned Aerial Vehicle; Fishing; State Waters; Prohibition

Description:

Prohibits the possession or use of unmanned aerial vehicles in state waters for purposes of fishing.

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

