

JAN 21 2022

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

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

1 SECTION 1. The legislature finds that Hawai'i law provides
2 that aquarium fishing is permitted by aquarium fish collectors
3 with a valid permit and subject to restrictions. Non-commercial
4 aquarium fish collectors are limited to catches of a combined
5 total of five fish or aquatic life specimens per person, per
6 day.

7 In November 2020, the environmental court of the first
8 circuit of Hawai'i ruled, in part, that the issuance of aquarium
9 fishing permits is subject to the Hawaii Environmental Policy
10 Act and, therefore, an environmental impact statement must be
11 completed before the department of land and natural resources
12 approves or renews additional aquarium fishing licenses and
13 permits. At the time of the ruling, the department of land and
14 natural resources confirmed that it would no longer approve or
15 renew commercial marine licenses for aquarium fishing without a
16 complete environmental review process. In January 2021, the
17 department of land and natural resources clarified that those



1 with existing commercial marine licenses could no longer collect
2 aquarium fish, as well.

3 Accordingly, the purpose of this Act is to recognize the
4 court's ruling and the position taken by the department of land
5 and natural resources to protect the aquarium fish and other
6 aquatic life in Hawai'i's nearshore waters by increasing fines
7 for violations relating to aquarium fishing.

8 SECTION 2. Section 188-70, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§188-70 Penalties.** (a) Any person violating any
11 provision of or any rule adopted pursuant to this chapter,
12 except sections 188-23, 188-39.5, and 188-40.8, is guilty of a
13 petty misdemeanor and, in addition to any other penalties, shall
14 be fined [~~no~~] not less than:

15 (1) \$100 for a first offense;

16 (2) \$200 for a second offense; and

17 (3) \$500 for a third or subsequent offense.

18 (b) Any person violating section 188-23, is guilty of a
19 class C felony and shall be sentenced pursuant to chapter 706;
20 provided that the environmental court, in addition to any term
21 of imprisonment or any other terms and conditions of probation,



1 shall order the defendant to pay a fine of not less than \$1,000.

2 Notwithstanding section 706-669 and any other law to the

3 contrary, any person in violation of section 188-23(b), as a

4 first offense, shall be sentenced to a mandatory minimum period

5 of imprisonment without possibility of parole of thirty days.

6 Repeat offenders shall be sentenced pursuant to chapter 706.

7 (c) Any person violating section 188-31 is guilty of a
8 misdemeanor and, in addition to any other penalties, shall be
9 fined not less than:

10 (1) \$200 for a first offense;

11 (2) \$400 for a second offense; and

12 (3) \$1,000 for a third or subsequent offense.

13 ~~[(e)]~~ (d) The environmental court may require the
14 defendant to complete an aquatic resources educational class
15 administered by the department of land and natural resources in
16 addition to or in lieu of paying all or any part of any monetary
17 fine authorized by this section.

18 ~~[(d)]~~ (e) The environmental court may direct the defendant
19 to perform community service as administered by the department
20 of land and natural resources in lieu of paying any monetary
21 fine authorized by this section.



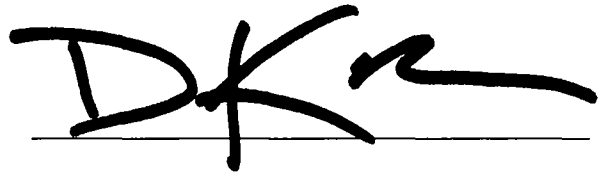
1 (f) For purposes of this section, each fish or aquatic
2 life specimen taken in violation of sections 188-23 and 188-31
3 shall constitute a separate offense."

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

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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

10 INTRODUCED BY: _____

A large, bold, handwritten signature in black ink, appearing to be 'DK' followed by a stylized flourish, is written over a horizontal line.

S.B. NO. 2925

Report Title:

Aquarium Fishing; Fine Increase

Description:

Increases fines for aquarium fishing violations. Clarifies that each ray or shark taken in violation of fishing rights and regulations constitutes a separate offense.

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

