
A BILL FOR AN ACT

RELATING TO THE CRIMINAL DESTRUCTION OF TREES.

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

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§708- Criminal destruction of a tree on state or county
5 property. (1) A person commits the offense of criminal
6 destruction of a tree on state or county property if, by means
7 other than fire, the person intentionally or knowingly:

8 (a) Fells, injures, or destroys a tree growing or standing
9 upon state or county property to the point of it
10 having no value; or

11 (b) Substantially damages the potential value of a tree
12 growing or standing upon state or county property
13 without the consent of the state or county on which
14 the tree stands.

15 (2) Criminal destruction of a tree on state or county
16 property is a misdemeanor.



1 (3) In addition to any penalty prescribed in this chapter
2 a person found guilty of violating this section shall also be
3 required to:

4 (a) Pay the State or county an amount equal to the
5 replacement value of the tree as determined by a
6 certified arborist, if the value of the tree is
7 contested, or by the agreement of the parties;

8 (b) Pay the State or county an amount equal to the cost to
9 replace the tree;

10 (c) Perform community service as directed by the court; or

11 (d) Perform any combination of such penalties.

12 (4) Any criminal action against a person for any violation
13 of this section shall not be deemed to preclude the State from
14 pursuing civil legal action to recover administrative fines,
15 fees, and costs, including attorney's fees and costs or monetary
16 assessments against that person.

17 (5) This section shall not apply to any state or county
18 employee acting within the scope of employment."

19 SECTION 2. 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.



- 1 SECTION 3. New statutory material is underscored.
- 2 SECTION 4. This Act shall take effect on July 30, 2050.



S.B. NO. 777
S.D. 2

Report Title:

Criminal Destruction of Trees; State or County Property;
Misdemeanor

Description:

Establishes a criminal statute for the criminal destruction of a tree on state or county property punishable as a misdemeanor. Effective 7/30/2050. (SD2)

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