

JAN 21 2022

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 are of significant economic, ecologic, cultural, and
3 aesthetic importance to agriculture, tourism, food production,
4 and fisheries in the State. The legislature 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) Authorizing the imposition of a criminal fine
12 involving aquatic resources;
- 13 (2) Establishing a tiered administrative fine system for
14 each specimen of aquatic life taken, killed, or
15 injured;



1 (3) Establishing a criminal fine structure on a per-
2 specimen basis for violations involving aquatic life;
3 and

4 (4) Authorizing the department of land and natural
5 resources to recommend community service that benefits
6 the resource damaged when a person is ordered to
7 perform community service in lieu of a fine.

8 SECTION 2. Chapter 187A, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§187A- Criminal fine. (a) In addition to any other
12 civil or administrative penalties that may apply under this
13 chapter, any person who is convicted of intentionally violating
14 this chapter may be subject to a fine imposed under section
15 706-640.

16 (b) Moneys from the fine collected pursuant to this
17 section shall be deposited to the credit of the conservation and
18 resources enforcement special fund established pursuant to
19 section 199-1.5."

20 SECTION 3. Section 187A-12.5, Hawaii Revised Statutes, is
21 amended by amending subsections (d) and (e) to read as follows:



1 "(d) [~~In addition to subsection (b), a fine of up to~~
2 ~~\$5,000]~~ A fine in addition to the fine under subsection (b) may
3 be levied for each specimen of threatened or endangered aquatic
4 life taken, killed, or injured in violation of subtitle 5 of
5 title 12 or any rule adopted thereunder[-] as follows:

- 6 (1) Up to \$5,000 for a first violation;
- 7 (2) Up to \$10,000 for a second violation; and
- 8 (3) Up to \$15,000 for a third or subsequent violation.

9 (e) [~~In addition to subsection (c), a fine of up to~~
10 ~~\$1,000]~~ A fine in addition to the fine under subsection (c) may
11 be levied for each specimen of all other aquatic life taken,
12 killed, or injured in violation of subtitle 5 of title 12 or any
13 rule adopted thereunder[-] as follows:

- 14 (1) Up to \$1,000 for a first violation;
- 15 (2) Up to \$2,000 for a second violation; and
- 16 (3) Up to \$3,000 for a third or subsequent violation."

17 SECTION 4. Section 187A-13, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§187A-13 General penalty; community service.** (a) Any
20 person violating this chapter or any rule adopted thereunder for
21 which a penalty is not otherwise provided, shall be guilty of a



1 petty misdemeanor and, in addition to any other penalties, shall
2 be fined not less than:

- 3 (1) \$250 for a first offense;
- 4 (2) \$500 for a second offense; and
- 5 (3) \$1,000 for a third or subsequent offense.

6 (b) A fine in addition to the fine under subsection (a)
7 may be levied for each specimen of aquatic life taken, killed,
8 or injured in violation of subtitle 5 of title 12 or any rule
9 adopted thereunder as follows:

- 10 (1) Up to \$250 for a first offense;
- 11 (2) Up to \$500 for a second offense; and
- 12 (3) Up to \$1,000 for a third or subsequent offense.

13 ~~(b)~~ (c) The court may require the defendant to complete
14 an aquatic resources educational class administered by the
15 department in addition to or in lieu of paying all or any part
16 of any monetary fine authorized by this section.

17 ~~(c)~~ (d) The court may direct the defendant to perform
18 community service as administered by the department in lieu of
19 paying any monetary fine authorized by this section~~(c)~~; provided
20 that if community service is ordered pursuant to this section,



1 the department may recommend to the court community service that
2 benefits the resource that was damaged."

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

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

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

9

INTRODUCED BY: *Francis R. George*



S.B. NO. 2761

Report Title:

Aquatic Resources; Intentional Violations; Penalties; Fines

Description:

Authorizes the imposition of a criminal fine for violations involving aquatic resources. Establishes a tiered administrative fine system for each specimen of aquatic life taken, killed, or injured. Establishes a criminal fine structure on a per-specimen basis for violations involving aquatic life. Authorizes 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.

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