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# 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 serve significant economic, ecologic, cultural, and  
3 aesthetic importance to agriculture, tourism, food production,  
4 and fisheries in the State. The legislature also 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           (2) Permitting the department of land and natural  
13 resources to recommend community service that benefits  
14 the resource damaged when a person is ordered to  
15 perform community service in lieu of a fine; and
- 16           (3) Allowing for a fine up to \$1,000 to be levied for all  
17 other aquatic life taken, killed, or injured.



1 SECTION 2. Chapter 187A, Hawaii Revised Statutes, is  
2 amended by adding one new section to be appropriately designated  
3 and to read as follows:

4 "§187A- Criminal fine. (a) In addition to any other  
5 civil or administrative penalties that may be applicable under  
6 this chapter, any person who is convicted of violating this  
7 chapter may be subject to a fine imposed under section 706-640.

8 (b) Moneys from the fine collected pursuant to this  
9 section shall be deposited to the credit of the conservation and  
10 resources enforcement special fund established pursuant to  
11 section 199-1.5."

12 SECTION 3. Section 187A-13, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§187A-13 General penalty; community service. (a) Any**  
15 **person violating this chapter or any rule adopted thereunder for**  
16 **which a penalty is not otherwise provided, shall be guilty of a**  
17 **petty misdemeanor and, in addition to any other penalties, shall**  
18 **be fined not less than:**

- 19 (1) \$250 for a first offense;  
20 (2) \$500 for a second offense; and  
21 (3) \$1,000 for a third or subsequent offense.



1 (b) The court may require the defendant to complete an  
2 aquatic resources educational class administered by the  
3 department in addition to or in lieu of paying all or any part  
4 of any monetary fine authorized by this section.

5 (c) The court may direct the defendant to perform  
6 community service as administered by the department in lieu of  
7 paying any monetary fine authorized by this section[-]; provided  
8 that if community service is ordered pursuant to this section ,  
9 the department may recommend to the court community service that  
10 benefits the resource that was damaged.

11 (d) In addition to subsection (a), a fine of up to \$1,000  
12 may be levied of all other aquatic life taken, killed, or  
13 injured in violation of subtitle 5 of title 12 of the Hawaii  
14 Administrative Rules or any rule adopted thereunder."

15 SECTION 4. Section 188-70, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§188-70 Penalties. (a) Any person violating any  
18 provision of or any rule adopted pursuant to this chapter,  
19 except sections 188-23 and 188-39.5, is guilty of a petty  
20 misdemeanor and, in addition to any other penalties, shall be  
21 fined not less than:



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

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

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

4           (b)   Any person violating section 188-23, is guilty of a

5 class C felony and shall be sentenced pursuant to chapter 706;

6 provided that the environmental court, in addition to any term

7 of imprisonment or any other terms and conditions of probation,

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

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

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

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

12 of imprisonment without possibility of parole of thirty days.

13 Repeat offenders shall be sentenced pursuant to chapter 706.

14           (c)   The environmental court may require the defendant to

15 complete an aquatic resources educational class administered by

16 the department of land and natural resources in addition to or

17 in lieu of paying all or any part of any monetary fine

18 authorized by this section.

19           (d)   The environmental court may direct the defendant to

20 perform community service as administered by the department of



1 land and natural resources in lieu of paying any monetary fine  
2 authorized by this section.

3 (e) In addition to subsection (a), a fine of up to \$1,000  
4 may be levied for each specimen of all other aquatic life taken,  
5 killed, or injured in violation of subtitle 5 of title 12 of the  
6 Hawaii Administrative Rules or any rule adopted thereafter."

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

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

12 SECTION 7. This Act shall take effect on July 1, 2021.



**Report Title:**

Aquatic Resources; Violations; Penalties; Fines; Forfeiture

**Description:**

Authorizes the imposition of a criminal fine for violations of the State's aquatic resources law. Permits 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. Allows for a fine up to \$1,000 to be levied for all other aquatic life taken, killed, or injured. (SD1)

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

