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# A BILL FOR AN ACT

RELATING TO WILDLIFE CONSERVATION.

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

1           SECTION 1. The legislature finds that the State is home to  
2 a rich diversity of indigenous species of aquatic life,  
3 wildlife, and land plants that are vital to maintaining  
4 ecological balance and preserving the cultural heritage of the  
5 region.

6           The legislature further finds that many of these native  
7 species face significant threats from overexploitation, habitat  
8 destruction, and climate change, which require immediate and  
9 enhanced protective measures to ensure their long-term survival.

10           The legislature recognizes the 'io, or Hawaiian hawk, as an  
11 indigenous species of note, serving as a symbol of strength and  
12 resilience in Hawaiian culture and playing a vital role in  
13 Hawai'i's unique ecosystem as a native raptor. As an apex  
14 predator, the 'io helps maintain ecological balance, controlling  
15 populations of rodents and other invasive species that threaten  
16 native flora and fauna. However, the 'io faces ongoing threats



1 from habitat loss, illegal hunting, and environmental  
2 degradation.

3       The legislature declares that the unauthorized taking and  
4 killing of indigenous species such as the 'io not only disrupts  
5 ecological systems but also undermines ongoing conservation  
6 efforts and risks the loss of irreplaceable biodiversity.  
7 Therefore, penalties for harming or endangering indigenous  
8 species, including the 'io, are crucial to deterring these  
9 harmful actions to restore Hawai'i's fragile ecosystems for  
10 future generations.

11       However, the legislature believes that the current  
12 penalties for violations involving native species do not  
13 adequately deter harmful activities. Strengthening these  
14 penalties, including the imposition of significant fines and the  
15 classification of certain offenses as class C felonies, will  
16 provide stronger enforcement tools for the State to protect  
17 these critical species.

18       Accordingly, the purpose of this Act is to:

19       (1) Prohibit and impose penalties for intentionally  
20           taking, harming, or killing 'io; and



1 (2) Increase penalties and fees for taking and killing  
2 species of aquatic life, wildlife, and land plants  
3 that are native to the State.

4 SECTION 2. Chapter 195D, Hawaii Revised Statutes, is  
5 amended by adding a new section to part I to be appropriately  
6 designated and to read as follows:

7 "§195D- Taking, harming, or killing a Hawaiian hawk;  
8 prohibited. Except as otherwise provided in section 183D-62,  
9 the intentional taking, harming, or killing of an 'io, or  
10 Hawaiian hawk (Buteo solitarius), shall be subject to penalties  
11 under section 195D-9."

12 SECTION 3. Section 195D-9, Hawaii Revised Statutes, is  
13 amended as follows:

14 1. By amending subsection (a) to read:

15 "(a) Any person who violates any of the provisions of this  
16 chapter [~~+~~]or[~~+~~] the provisions of any rule adopted [~~hereunder~~]  
17 pursuant to this chapter shall be guilty of [~~a misdemeanor and~~  
18 ~~shall be punished as follows~~]:

19 (1) [~~For~~] A misdemeanor for a first offense, punishable by  
20 a fine of [~~not~~] no less than \$250 or by imprisonment  
21 of [~~not~~] no more than one year, or both; and



1           (2) ~~[For]~~ A class C felony for a second or subsequent  
2           offense ~~[within five years of a previous conviction by~~  
3           ~~a]~~ and upon conviction shall be subject to one or any  
4           combination of the following:

5           (A) A fine of ~~[not]~~ no less than ~~[\$500 or by~~  
6           ~~imprisonment]~~ \$1,000;

7           (B) Imprisonment of ~~[not]~~ no more than ~~[one year, or~~  
8           ~~both.]~~ two years; or

9           (C) Rehabilitative community service."

10           2. By amending subsections (d) and (e) to read:

11           "(d) Except as otherwise provided by law, the board or its  
12           authorized representative by proper delegation ~~[is authorized~~  
13           ~~to]~~ may set, charge, and collect administrative fines or bring  
14           legal action to recover administrative fees and costs as  
15           documented by receipts or affidavit, including attorneys' fees  
16           and costs, or bring legal action to recover administrative  
17           fines, fees, and costs, including attorneys' fees and costs, or  
18           payment for damages or for the cost to correct damages resulting  
19           from a violation of this chapter or any rule adopted thereunder.

20           The administrative fines shall be as follows:



- 1 (1) For a first violation, a fine of [~~not more than~~  
2 ~~\$2,500,~~] no less than \$2,500 and no more than \$5,000  
3 or rehabilitative community service, or both;
- 4 (2) For a second violation [~~within five years of a~~  
5 ~~previous violation~~], a fine of [~~not more than \$5,000;~~]  
6 no less than \$5,000 and no more than \$10,000 or  
7 rehabilitative community service, or both; and
- 8 (3) For a third or subsequent violation [~~within five years~~  
9 ~~of the last violation~~], a fine of [~~not more than~~  
10 ~~\$10,000.~~] \$10,000 and no more than  
11 \$20,000 or rehabilitative community service, or both.
- 12 (e) In addition, an administrative fine of up to [~~\$5,000~~]  
13 \$10,000 or rehabilitative community service, or both, may be  
14 levied for each specimen of wildlife or plant taken, killed,  
15 injured, or damaged in violation of this chapter or any rule  
16 adopted thereunder."

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

20 SECTION 5. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



**1** SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Conservation; Io; Hawaiian Hawk; Aquatic Life; Wildlife; Land  
Plants; Indigenous Species; Native Ecosystems; Penalties

**Description:**

Prohibits and imposes penalties for the intentional taking,  
harming, or killing of 'Io (Hawaiian hawk). Increases penalties  
and fees for taking and killing indigenous species of aquatic  
life, wildlife, and land plants that are native to the State.  
(HD2)

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not legislation or evidence of legislative intent.*

