

ACT 245

S.B. NO. 965

A Bill for an Act Relating to State Parks, Historical Objects and Sites, and Outdoor Recreation; Rules and Enforcement.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 184, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 184-5 Rules and Enforcement; penalty.** The department may, subject to chapter 91, make, amend and repeal rules and regulations having the force and effect of law, governing the use and protection of the state park system, including state monuments as established under section 6-12, and including any private property over which there has been granted to the State any right of free public access or use for recreational, park, viewing of any historical, archaeological, natural or scientific feature, object or site, or related purpose, or property thereon, and also governing the use and protection of any recreational, scenic, historical, archaeological, natural, scientific and related resources of state and private lands, and enforce such rules and regulations. Any person who violates any of the rules and regulations so prescribed shall be held liable for restoration of or restitution for any damages to public or private property and shall also be subject to the confiscation of any tools and equipment used in such violation and of any plants, objects or artifacts removed illegally from such properties, and shall be fined not more than \$500, or imprisoned not more than 90 days, or both. Except as other-

wise provided by the department, the more restrictive rules and regulations of the department shall apply in any unit of the state park system or any public use area which is also governed by the rules and regulations of any forest reserve, public hunting ground or other department district or area.

The department may confer on the director of state parks and upon other employees of the division the powers of police officers, including the power to serve and execute warrants and arrest offenders in all matters relating to the enforcement, in any state park, parkway or state monument, or in any private property over which there has been granted to the State any right of free public access or use for recreational, park, viewing of any historical, archaeological, natural or scientific feature, object or site, or related purpose of (1) the laws applicable to the state parks and parkways and to historical objects and sites and the rules and regulations adopted under the provisions of this section and (2) traffic laws and ordinances. Such police powers shall also extend to the enforcement of the laws of the State and the rules and regulations of the department relative to the protection and proper utilization of the recreational, scenic, historical, natural, and archaeological, scientific and related resources of state and private lands. Such conferring of powers shall include the designation of such employees as state parks enforcement officers."

SECTION 2. Chapter 184, Hawaii Revised Statutes, is amended by adding new sections to be appropriately numbered and to read as follows:

**"Sec. 184- Arrest.** Except when authorized by law to immediately take a person arrested for violation of the state parks, historical objects and sites, and outdoor recreation laws and regulations; traffic laws and ordinances; and the laws of the State and the rules and regulations of the department relative to the protection and proper utilization of the recreational, scenic, historical, natural and archaeological, scientific and related resources of state and private lands before a magistrate, any state parks enforcement officer upon arresting any person for violation of the state parks, historical objects and sites, and outdoor recreation laws and regulations; traffic laws and ordinances; and laws of the State and the rules and regulations of the department relative to the protection and proper utilization of the recreational, scenic, historical, natural and archaeological, scientific and related resources of state and private lands shall take the name, address, social security number and other pertinent information of the person and shall issue to him a summons and citation, printed in the form hereinafter described, mandating warning him to appear and answer to the charge against him at a certain place and at a time within seven days after the arrest.

**"Sec. 184- Summons or Citations.** There shall be a form of summons or citation for use in citing violators of the state parks, historical objects and sites, and outdoor recreation laws and regulations; traffic laws and ordinances; and the laws of the State and the rules and regulations of the department relative to the protection and proper utilization of the recreational, scenic, historical, natural and archaeological, scientific and related resources of state lands and lands within the conservation district which do not man-

date the physical arrest of the violators. The summons or citation shall be printed in a form commensurate with the form of other summons or citations used in modern methods of arrest and shall be so designed to include all necessary information to make it valid and legal within the laws and regulations of the State. The form and content of the summons or citations shall be as adopted or prescribed by the district courts.

In every case when a summons or citation is issued the original of the same shall be given to the violator; provided that the district courts may prescribe the issuance to the violator of a carbon copy of the summons or citation and provide for the disposition of the original and any other copies.

Every summons or citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

**“Sec. 184- Failure to obey summons.** Any person who fails to appear at the place and within the time specified in the summons or citation issued to him by the state park enforcement officer upon his arrest for violation of the state parks, historical objects and sites, and outdoor recreation laws and regulations, traffic laws and ordinances; and the laws of the State and the rules and regulations of the department relative to the protection and proper utilization of the recreational, scenic, historical, natural and archaeological, scientific and related resources of state lands and lands within the conservation district, shall be guilty of a misdemeanor and, on conviction, shall be fined not more than \$500 or be imprisoned not more than six months, or both.

If any person fails to comply with a summons or citation issued to him, or if any person fails or refuses to deposit bail as required and within the time permitted, the officer shall cause a complaint to be entered against the person and secure the issuance of a warrant for his arrest.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 15, 1974.)

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\*Edited accordingly.