

ACT 262

H.B. NO. 1970-86

A Bill for an Act Relating to Penalties.

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

SECTION 1. Section 142-12, Hawaii Revised Statutes, is amended to read as follows:

“§142-12 Penalties. [Any and all persons knowingly and wilfully violating any of the provisions of part I, chapter 142, or assisting in so doing, or who purchase, take, and carry away any animals, fodder, effects, or fittings connected therewith before the same have been discharged by the department of agriculture, or knowingly and wilfully have in their possession any of the same, or impede or refuse to allow the department to perform its duty, for which actions a penalty is not otherwise provided, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.] (a) Any person violating any provision of this chapter or any rule adopted pursuant thereto, for which action a penalty is not otherwise provided, is guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

- (1) For the first conviction, by a fine of not more than \$1,000 or by imprisonment of not more than one year, or both.
- (2) For a second conviction within one year of a previous conviction, by a fine of not less than \$500 nor more than \$1,000 or by imprisonment of not more than one year, or both.
- (3) For a third conviction within five years of the first conviction, by a fine of not less than \$1,000 or by imprisonment of one year, or both.

(b) Any person, carrier, or handler who has been convicted of a violation of this chapter more than three times within a five-year period or whose violation poses a grave or serious health threat to the State's citizens, animal industry, wildlife, or domestic animals, shall be guilty of a class C felony and upon conviction shall be punished as follows:

- (1) For the first conviction, by a fine of not more than \$5,000 or by imprisonment of not more than five years, or both.

- (2) For a second conviction within five years of a previous conviction, by a fine of not less than \$3,000 nor more than \$5,000 or by imprisonment of not more than five years, or both.
- (3) For a third or subsequent conviction within five years of the first conviction, by a fine of not less than \$5,000 or by imprisonment of not more than five years, or both.

(c) In addition to the penalties in subsection (a) or (b) and for the first conviction, the department of agriculture may impound, seize, confiscate, destroy, quarantine, sell, auction, or dispose of any animal, animal product, container, crate, or any other item under the jurisdiction of this chapter in the best interest of the State.

(d) Persons found to be in possession of any animal, fodder, fittings, or effects contrary to this chapter shall be found guilty and upon conviction shall be punished in accordance with this section.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 29, 1986.)