

ACT 364

H.B. NO. 1041

A Bill for an Act Relating to Enforcement.

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

SECTION 1. Section 199-3, Hawaii Revised Statutes, is amended to read as follows:

“§199-3 Conservation and resources enforcement officers, duties[.]; other law enforcement officers. (a) The conservation and resources enforcement officers, with respect to all state lands, including public lands, state parks, forest reserves, forests, aquatic life and wildlife areas, and any other lands and waters subject to the jurisdiction of the department of land and natural resources, shall:

- (1) Enforce title 12, and chapter 6E, and rules adopted thereunder;
- (2) Investigate complaints, gather evidence, conduct investigations, and conduct field observations and inspections as required or assigned;
- (3) Cooperate with enforcement authorities of the State, counties, and federal government in development of programs and mutual agreements for conservation and resources enforcement activities within the State;
- (4) Cooperate with established search and rescue agencies of the counties and the federal government in developing plans and programs, and mutual aid agreements for search and rescue activities within the State;
- (5) Check and verify all leases, permits, and licenses issued by the department of land and natural resources;
- (6) Enforce the laws relating to firearms, ammunition and dangerous weapons contained in chapter 134;

- (7) Enforce the rules, at the request of the department of transportation, relative to the control and management of the beaches encumbered with easements in favor of the public and ocean waters adopted by the director of transportation under chapter 266 and the rules for the regulation of vessels and their use in the waters of the State adopted by the department of transportation under chapter 267; and
- [(7)] (8) Carry out such other duties and responsibilities as the board of land and natural resources may from time to time direct.
- (b) Every state and county officer charged with the enforcement of laws and ordinances shall enforce and assist in the enforcement of title 12 and chapter 6E and rules adopted thereunder and in the enforcement of chapters 266 and 267 and of all rules adopted thereunder."

SECTION 2. Section 266-24, Hawaii Revised Statutes, is amended to read as follows:

"§266-24 Enforcement. For the purpose of the enforcement of this chapter and of all rules [and regulations] adopted [and promulgated] pursuant to this chapter[,], and the enforcement of title 12, chapter 6E, and chapter 266 and rules adopted thereunder, and chapter 267 and rules adopted thereunder, the powers of police officers are conferred upon the director of transportation and any officer, employee, or representative of the department of transportation appointed by the director. Without limiting the generality of the foregoing, the director and any person appointed by the director hereunder may serve and execute warrants, arrest offenders, and serve notices and orders. Every state and county officer charged with the enforcement of laws and ordinances shall enforce and assist in the enforcement of this chapter and of all rules [and regulations] adopted [and promulgated] pursuant to this chapter[,], and in the enforcement of title 12, chapter 6E, and chapter 266 and rules adopted thereunder, and chapter 267 and rules adopted thereunder."

SECTION 3. Section 267-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The director of transportation may enter into a contract with corporations authorized to engage in business in the State to aid in enforcing this chapter and all rules [and regulations] adopted pursuant to this chapter in specified areas; in enforcing title 12, chapter 6E, and chapter 266, and rules adopted thereunder; and in enforcing chapter 267 and rules adopted thereunder; provided that the corporations agree to undertake this activity at no expense to the State and to hold the State harmless in respect to all injuries, losses, or damages arising from, growing out of, or caused by any acts or omissions of the corporations, their officers, agents, or employees in connection with the contract. The director of transportation may appoint no more than ten officers and employees of the corporations to serve as boating enforcement officers to enforce this chapter. The director of transportation, officers, and employees of the department of transportation, boating enforcement officers and volunteer enforcement officers appointed by the director under this section, and every state and county officer charged with the enforcement of state laws shall enforce and assist in the enforcement of this chapter and of all rules adopted pursuant to this chapter."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved July 2, 1987.)