

ACT 17

H.B. NO. 1747

A Bill for an Act Relating to the Kaho‘olawe Island Reserve.

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, Kaho‘olawe island reserve, 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] chapters 6E[,] and 6K, 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) Whether through a specifically designated marine patrol or otherwise, enforce the rules in the areas of boating safety, conservation, and search and rescue relative to the control and management of boating facilities owned or controlled by the State, ocean waters, and navigable streams

and any activities thereon or therein, and beaches encumbered with easements in favor of the public, and the rules regulating vessels and their use in the waters of the State; and

- (8) Carry out such other duties and responsibilities as the board of land and natural resources from time to time may 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], chapters 6E and 6K, and rules adopted thereunder and in the enforcement of chapters 266 and 267 and of all rules adopted thereunder.”

SECTION 2. Section 199-5, Hawaii Revised Statutes, is amended to read as follows:

“**§199-5 Summons or citation.** There shall be a form of summons or citation for use in citing violators of title 12, [chapter] chapters 6E[,] and 6K, and rules adopted thereunder, which do not mandate the physical arrest of the violators. The summons or citation shall be printed in a form commensurate with the form of other summons or citation 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 rules of the State. The form and content of the summons or citation shall be adopted or prescribed by the district courts.

In every case where 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.”

SECTION 3. Section 199-6, Hawaii Revised Statutes, is amended to read as follows:

“**§199-6 Failure to obey a summons.** Any person who fails to appear at the place and within the time specified in the summons or citation issued by the officers or their agents or subordinates, upon that person’s arrest for violation of title 12, [chapter] chapters 6E[,] and 6K, and rules adopted thereunder, shall be guilty of a petty misdemeanor and, upon conviction, shall be fined not more than \$500 or be imprisoned not more than thirty days, or both.

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

When a complaint is made to any prosecuting officer of the violation of title 12, [chapter] chapters 6E[,] and 6K, and rules adopted thereunder, the officer who issued the summons or citation shall subscribe to it under oath administered by another official or officials of the department of land and natural resources whose names have been submitted to the prosecuting officer and who have been designated by the chairperson of the board of land and natural resources to administer the same.”

SECTION 4. Section 199-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any police officer or agent of the department of land and natural resources upon whom the board of land and natural resources has conferred powers

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of police officers, shall have the authority to conduct searches on probable cause as provided by law and to seize any equipment, article, instrument, aircraft, vehicle, vessel, business records, or natural resource used or taken in violation of the provisions contained in [chapter] chapters 6E and 6K, or title 12, or any rules adopted thereunder. For purposes of this section, “natural resource” includes any archaeological artifacts, minerals, any aquatic life or wildlife or parts thereof, including their eggs, and any land plants or parts thereof, including seeds.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved April 14, 1997.)