

ACT 196

H.B. NO. 1186

A Bill for an Act Relating to Wildlife Penalties.

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

SECTION 1. Section 183D-5, Hawaii Revised Statutes, is amended to read as follows:

“§183D-5 Penalties. (a) Any person violating section 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under this chapter shall be guilty of a petty misdemeanor, and upon conviction thereof, shall be punished as follows:

- (1) For a first conviction, by a mandatory fine of not less than [\$50 nor more than \$1,000,] \$100, or imprisonment of not more than thirty days, or both;
- (2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than [\$250 nor more than \$1,000,] \$500, or by imprisonment of not more than thirty days, or both, and all firearms used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State; and
- (3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than \$1,000, or by imprisonment of not more than thirty days, or both, and all firearms used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State.

(b) Any person violating section 183D-25.5, 183D-26, 183D-27, 183D-32, 183D-62, or 183D-64 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as follows:

- (1) For a first conviction by a mandatory fine of not less than [\$100 nor more than \$2,000,] \$200, or by imprisonment of not more than one year, or both;
- (2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than [\$500 nor more than \$2,000,] \$1,000, or by imprisonment of not more than one year, or both, and all firearms

used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State; and

- (3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than \$2,000, or by imprisonment of not more than one year, or both, and all firearms used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State.

(c) Any person who violates section 183D-35, 183D-36, 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42 shall be guilty of a petty misdemeanor, and upon conviction thereof, shall be fined not less than \$100 [nor more than \$1,000] or imprisoned not more than thirty days, or both.

(d) In addition to any other penalty imposed under this section, a mandatory fine of \$100 shall be levied for each bird illegally taken under this chapter and a mandatory fine of \$500 shall be levied for each mammal illegally taken under this chapter.

(e) Any person who is convicted of violating any of the game laws of the State shall immediately have their hunting license forfeited and any person convicted for a second offense shall not be granted a license to hunt for a period of three years after the date of the second conviction.

(f) The court, in lieu of the actual cash payment of any mandatory fine, may allow the defendant to perform such community service as directed by the department of land and natural resources at the rate of one hour of service for every \$10 of mandatory fine imposed.

(g) Any criminal action against a person for any violation of this [section] chapter shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing any criminal action against that person."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved July 2, 1999.)