

ACT 212

S.B. NO. 1411

A Bill for an Act Relating to Historic Preservation.

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

SECTION 1. Section 6E-11, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) Any person who violates this section shall be fined not more than ~~[\$10,000]~~ \$20,000 for each separate violation. If the violator directly or indirectly has caused the loss of, or damage to, any historic property or burial site, the violator shall be fined an additional amount determined by the environmental court or an administrative adjudicative authority to be equivalent to the value of the lost or damaged historic property or burial site. Each day of continued violation of this provision shall constitute a distinct and separate violation for which the violator may be punished. Any landowner or developer responsible for any project where violations are found to have occurred shall execute any mitigation and preservation measures ordered by the department and shall be jointly and severally liable for any costs of mitigation and preservation. Equipment used by a violator for the taking, appropriation, excavation, injury, destruction, or alteration of any historic property or burial site, or for the transportation of the violator to or from the historic property or burial site, shall be subject to seizure and disposition by the State without compensation to its owner or owners.”

SECTION 2. Section 6E-11.5, Hawaii Revised Statutes, is amended to read as follows:

“**§6E-11.5 Civil penalties.** Except as provided in section 6E-11, any person who violates this chapter, or any rule adopted pursuant to this chapter shall be fined not less than \$500 nor more than ~~[\$10,000]~~ \$20,000 for each separate violation. Each day of each violation constitutes a separate violation.”

SECTION 3. Section 6E-12, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Any person violating this section shall be fined ~~no~~ not more than ~~[\$10,000.]~~ \$25,000. Each historic object or part of a prehistoric or historic human skeleton or associated burial good offered for sale or trade or removed from the jurisdiction in violation of this section shall constitute a distinct and separate offense for which the offender may be punished.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

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

(Approved June 27, 2022.)