

ACT 98

S.B. NO. 849

A Bill for an Act Relating to Wildlife Conservation.

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

SECTION 1. The legislature finds that the State is home to a rich diversity of indigenous species of aquatic life, wildlife, and land plants that are vital to maintaining ecological balance and preserving the cultural heritage of the region.

The legislature further finds that many of these native species face significant threats from overexploitation, habitat destruction, and climate change, which require immediate and enhanced protective measures to ensure their long-term survival.

The legislature recognizes the 'io, or Hawaiian hawk, as an indigenous species of note, serving as a symbol of strength and resilience in Hawaiian culture and playing a vital role in Hawai'i's unique ecosystem as a native raptor. As an apex predator, the 'io helps maintain ecological balance, controlling populations of rodents and other invasive species that threaten native flora and fauna. However, the 'io faces ongoing threats from habitat loss, illegal hunting, and environmental degradation.

The legislature declares that the unauthorized taking and killing of indigenous species such as the 'io not only disrupts ecological systems but also undermines ongoing conservation efforts and risks the loss of irreplaceable biodiversity. Therefore, penalties for harming or endangering indigenous species, including the 'io, are crucial to deterring these harmful actions to restore Hawai'i's fragile ecosystems for future generations.

However, the legislature believes that the current penalties for violations involving native species do not adequately deter harmful activities. Strengthening these penalties, including the imposition of significant fines and the classification of certain offenses as class C felonies, will provide stronger enforcement tools for the State to protect these critical species.

Accordingly, the purpose of this Act is to:

- (1) Prohibit and impose penalties for intentionally taking, harming, or killing 'io; and
- (2) Increase penalties and fees for taking and killing species of aquatic life, wildlife, and land plants that are native to the State.

SECTION 2. Chapter 195D, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§195D- Taking, harming, or killing a Hawaiian hawk; prohibited.

Except as otherwise provided in section 183D-62, the intentional taking, harming, or killing of an 'io, or Hawaiian hawk (*Buteo solitarius*), shall be subject to penalties under section 195D-9.”

SECTION 3. Section 195D-9, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Any person who violates any of the provisions of this chapter ~~[[or]]~~ the provisions of any rule adopted ~~[hereunder]~~ pursuant to this chapter shall be guilty of ~~[a misdemeanor and shall be punished as follows]:~~

- (1) ~~[For] A misdemeanor for~~ a first offense, punishable by a fine of ~~[not]~~ no less than \$250 or by imprisonment of [not] no more than one year, or both; and
- (2) ~~[For] A class C felony for~~ a second or subsequent offense ~~[within five years of a previous conviction by a]~~ and upon conviction shall be subject to one or any combination of the following:
 - (A) A fine of [not] no less than [\$500 or by imprisonment] \$1,000;
 - (B) Imprisonment of [not] no more than [one year, or both.] two years; or
 - (C) Rehabilitative community service.”

2. By amending subsections (d) and (e) to read:

“(d) Except as otherwise provided by law, the board or its authorized representative by proper delegation ~~[is authorized to]~~ may set, charge, and collect administrative fines or bring legal action to recover administrative fees and costs as documented by receipts or affidavit, including attorneys’ fees and costs, or bring legal action to recover administrative fines, fees, and costs, including attorneys’ fees and costs, or payment for damages or for the cost to correct damages resulting from a violation of this chapter or any rule adopted thereunder. The administrative fines shall be as follows:

- (1) For a first violation, a fine of ~~[not more than \$2,500;]~~ no less than \$2,500 and no more than \$5,000 or rehabilitative community service, or both;
- (2) For a second violation ~~[within five years of a previous violation],~~ a fine of ~~[not more than \$5,000;]~~ no less than \$5,000 and no more than \$10,000 or rehabilitative community service, or both; and
- (3) For a third or subsequent violation ~~[within five years of the last violation],~~ a fine of ~~[not more than \$10,000;]~~ no less than \$10,000 and no more than \$20,000 or rehabilitative community service, or both.

(e) In addition, an administrative fine of up to ~~[\$5,000]~~ \$10,000 or rehabilitative community service, or both, may be levied for each specimen of wildlife or plant taken, killed, injured, or damaged in violation of this chapter or any rule adopted thereunder.”

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.²

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

(Approved May 27, 2025.)

Notes

1. Prior to amendment, “;” appeared here.
2. Edited pursuant to HRS §23G-16.5.