

JAN 25 2012

A BILL FOR AN ACT

RELATING TO WILDLIFE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to prohibit the
2 interisland transportation of live game mammals or wild mammals.

3 SECTION 2. Chapter 183D, part IV, Hawaii Revised Statutes,
4 is amended by adding a new section to be appropriately
5 designated and to read as follows:

6 "§183D- Interisland transportation of live game mammals
7 or wild mammals prohibited. No person shall intentionally,
8 knowingly, or recklessly transfer or transport through
9 interisland movement any live game mammal or wild mammal;
10 provided that specimens of live game mammals or wild mammals
11 required for scientific or educational purposes may be
12 transported only when authorized under permits issued by the
13 department."

14 SECTION 3. Section 183D-5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§183D-5 Penalties.** (a) Any person violating section
17 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under



1 this chapter shall be guilty of a petty misdemeanor, and upon
2 conviction thereof, shall be punished as follows:

3 (1) For a first conviction, by a mandatory fine of not
4 less than \$100, or imprisonment of not more than
5 thirty days, or both;

6 (2) For a second conviction within five years of a
7 previous conviction, by a mandatory fine of not less
8 than \$500, or by imprisonment of not more than thirty
9 days, or both, and all firearms used in the commission
10 of such violations shall be considered contraband to
11 be forfeited to and disposed of by the State; and

12 (3) For a third or subsequent conviction within five years
13 of the first two or more convictions, by a mandatory
14 fine of not less than \$1,000, or by imprisonment of
15 not more than thirty days, or both, and all firearms
16 used in the commission of such violations shall be
17 considered contraband to be forfeited to and disposed
18 of by the State.

19 (b) Any person violating section 183D-25.5, 183D-26,
20 183D-27, 183D-32, 183D-62, or 183D-64 shall be guilty of a
21 misdemeanor, and upon conviction thereof, shall be punished as
22 follows:



1 (1) For a first conviction by a mandatory fine of not less
2 than \$200, or by imprisonment of not more than one
3 year, or both;

4 (2) For a second conviction within five years of a
5 previous conviction, by a mandatory fine of not less
6 than \$1,000, or by imprisonment of not more than one
7 year, or both, and all firearms used in the commission
8 of such violations shall be considered contraband to
9 be forfeited to and disposed of by the State; and

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

17 (c) Any person violating section 183D- shall be guilty
18 of a misdemeanor, and upon conviction thereof, shall be punished
19 as follows:

20 (1) For a first conviction, by a mandatory fine of not
21 less than \$10,000 and payment of any costs incurred in
22 the eradication of any transferred or transported



1 animal and any progeny, or by imprisonment of not more
2 than one year, or both;

3 (2) For a second conviction within five years of a
4 previous conviction, by a mandatory fine of not less
5 than \$15,000 and payment of any costs incurred in the
6 eradication of any transferred or transported animal
7 and any progeny, or by imprisonment of not more than
8 one year, or both; and

9 (3) For a third or subsequent conviction within five years
10 of the first two or more convictions, by a mandatory
11 fine of not less than \$25,000 and payment of any costs
12 incurred in the eradication of any transferred or
13 transported animal and any progeny, or by imprisonment
14 of not more than one year, or both.

15 [~~e~~] (d) Any person who violates section 183D-35,
16 183D-36, 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42 shall be
17 guilty of a petty misdemeanor, and upon conviction thereof,
18 shall be fined not less than \$100 or imprisoned not more than
19 thirty days, or both.

20 [~~d~~] (e) In addition to any other penalty imposed under
21 this section, a mandatory fine of \$100 shall be levied for each
22 bird illegally taken under this chapter and a mandatory fine of



1 \$500 shall be levied for each mammal illegally taken under this
2 chapter.

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

8 ~~[(f)]~~ (g) The court, in lieu of the actual cash payment of
9 any mandatory fine, may allow the defendant to perform such
10 community service as directed by the department of land and
11 natural resources at the rate of one hour of service for every
12 \$10 of mandatory fine imposed.

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

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



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

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Report Title:

Game Mammals; Wild Mammals; Interisland Transportation

Description:

Prohibits the interisland transportation of live game mammals or wild mammals, with certain exceptions; establishes mandatory fines.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

