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# 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 wild or feral deer.

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

6 **"§183D- Interisland transportation and possession of**  
7 **wild or feral deer prohibited.** No person shall intentionally,  
8 knowingly, or recklessly possess, transfer, transport, or  
9 release after transport through interisland movement any live  
10 wild or feral deer unless permitted by the department or other  
11 department of the State."

12 SECTION 3. Section 183D-1, Hawaii Revised Statutes, is  
13 amended by adding three new definitions to be appropriately  
14 inserted and to read as follows:

15 "Feral deer" means a deer that has escaped or been  
16 released from domestication and is living in a wild and  
17 unconfined state.



1       "Possess" means to place under direct physical control,  
2 restraint, or confinement.

3       "Release" means to free an animal from effective  
4 confinement or restraint."

5       SECTION 4. Section 183D-5, Hawaii Revised Statutes, is  
6 amended to read as follows:

7       **"§183D-5 Penalties.** (a) Any person violating section  
8 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under  
9 this chapter shall be guilty of a petty misdemeanor, and upon  
10 conviction thereof, shall be punished as follows:

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

14       (2) For a second conviction within five years of a  
15       previous conviction, by a mandatory fine of not less  
16       than \$500, or by imprisonment of not more than thirty  
17       days, or both, and all firearms used in the commission  
18       of [~~such~~] the violations shall be considered  
19       contraband to be forfeited to and disposed of by the  
20       State; and

21       (3) For a third or subsequent conviction within five years  
22       of the first two or more convictions, by a mandatory



1 fine of not less than \$1,000, or by imprisonment of  
2 not more than thirty days, or both, and all firearms  
3 used in the commission of [~~such~~] the violations shall  
4 be considered contraband to be forfeited to and  
5 disposed of by the State.

6 (b) Any person violating section 183D-25.5, 183D-26,  
7 183D-27, 183D-32, 183D-62, or 183D-64 shall be guilty of a  
8 misdemeanor, and upon conviction thereof, shall be punished as  
9 follows:

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

13 (2) For a second conviction within five years of a  
14 previous conviction, by a mandatory fine of not less  
15 than \$1,000, or by imprisonment of not more than one  
16 year, or both, and all firearms used in the commission  
17 of [~~such~~] the violations shall be considered  
18 contraband to be forfeited to and disposed of by the  
19 State; and

20 (3) For a third or subsequent conviction within five years  
21 of the first two or more convictions, by a mandatory  
22 fine of not less than \$2,000, or by imprisonment of



1 not more than one year, or both, and all firearms used  
2 in the commission of [~~such~~] the violations shall be  
3 considered contraband to be forfeited to and disposed  
4 of by the State.

5 (c) Any person who violates section 183D- shall be  
6 guilty of a misdemeanor, and upon conviction thereof, shall be  
7 punished as follows:

8 (1) For a first conviction, by a mandatory fine of not  
9 less than \$10,000 and payment of any costs incurred in  
10 the eradication of any deer and the deer's progeny  
11 that has been possessed, transferred, transported, or  
12 released after transport, or by imprisonment of not  
13 more than one year, or both;

14 (2) For a second conviction within five years of a  
15 previous conviction, by a mandatory fine of not less  
16 than \$15,000 and payment of any costs incurred in the  
17 eradication of any deer and the deer's progeny that  
18 has been possessed, transferred, transported, or  
19 released after transport, or by imprisonment of not  
20 more than one year, or both; and

21 (3) For a third or subsequent conviction within five years  
22 of the first two or more convictions, by a mandatory



1           fine of not less than \$25,000 and payment of any costs  
2           incurred in the eradication of any deer and the deer's  
3           progeny that has been possessed, transferred,  
4           transported, or released after transport, or by  
5           imprisonment of not more than one year, or both.

6           ~~[(e)]~~ (d) Any person who violates section 183D-35,  
7 183D-36, 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42 shall be  
8 guilty of a petty misdemeanor, and upon conviction thereof,  
9 shall be fined not less than \$100 or imprisoned not more than  
10 thirty days, or both.

11           ~~[(d)]~~ (e) In addition to any other penalty imposed under  
12 this section, a mandatory fine of \$100 shall be levied for each  
13 bird illegally taken under this chapter and a mandatory fine of  
14 \$500 shall be levied for each mammal illegally taken under this  
15 chapter.

16           ~~[(e)]~~ (f) Any person who is convicted of violating any of  
17 the game laws of the State shall immediately have ~~[their]~~ the  
18 person's hunting license forfeited and any person convicted for  
19 a second offense shall not be granted a license to hunt for a  
20 period of three years after the date of the second conviction.

21           ~~[(f)]~~ (g) The court, in lieu of the actual cash payment of  
22 any mandatory fine, may allow the defendant to perform ~~[such]~~



1 the community service as directed by the department of land and  
2 natural resources at the rate of one hour of service for every  
3 \$10 of mandatory fine imposed.

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

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

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



**Report Title:**

Wild or Feral Deer; Interisland Transportation

**Description:**

Prohibits the interisland possession, transfer, transport, or release after transport of wild or feral deer; establishes mandatory fines. (CD1)

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

