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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 of wild or feral deer**  
7 **prohibited.** (a) No person shall intentionally, knowingly, or  
8 recklessly transfer, transport, or release after transport  
9 through interisland movement any wild or feral deer; provided  
10 that specimens of wild or feral deer required for scientific or  
11 educational purposes may be transported only when authorized  
12 under a permit issued by the department.

13 (b) For purposes of this section, a deer that has been  
14 captured shall no longer be considered feral."

15 SECTION 3. Section 183D-1, Hawaii Revised Statutes, is  
16 amended by adding a new definition to be appropriately inserted  
17 and to read as follows:



1        "Release" means to free an animal from effective  
2 confinement or restraint."

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

5        "**§183D-5 Penalties.** (a) Any person violating section  
6 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under  
7 this chapter shall be guilty of a petty misdemeanor, and upon  
8 conviction thereof, shall be punished as follows:

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

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

19        (3) For a third or subsequent conviction within five years  
20        of the first two or more convictions, by a mandatory  
21        fine of not less than \$1,000, or by imprisonment of  
22        not more than thirty days, or both, and all firearms



1           used in the commission of [~~such~~] the violations shall  
2           be considered contraband to be forfeited to and  
3           disposed of by the State.

4           (b) Any person violating section 183D-25.5, 183D-26,  
5 183D-27, 183D-32, 183D-62, or 183D-64 shall be guilty of a  
6 misdemeanor, and upon conviction thereof, shall be punished as  
7 follows:

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

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

18          (3) For a third or subsequent conviction within five years  
19          of the first two or more convictions, by a mandatory  
20          fine of not less than \$2,000, or by imprisonment of  
21          not more than one year, or both, and all firearms used  
22          in the commission of [~~such~~] the violations shall be



1           considered contraband to be forfeited to and disposed  
2           of by the State.

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

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

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

19           (3) For a third or subsequent conviction within five years  
20 of the first two or more convictions, by a mandatory  
21 fine of not less than \$25,000 and payment of any costs  
22 incurred in the eradication of any deer that has been



1           transferred, transported, or released after transport  
2           and the deer's progeny, or by imprisonment of not more  
3           than one year, or both.

4           ~~[(e)]~~ (d) Any person who violates section 183D-35, 183D-36,  
5 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42 shall be guilty  
6 of a petty misdemeanor, and upon conviction thereof, shall be  
7 fined not less than \$100 or imprisoned not more than thirty  
8 days, or both.

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

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

19           ~~[(f)]~~ (g) The court, in lieu of the actual cash payment of  
20 any mandatory fine, may allow the defendant to perform ~~[such]~~  
21 the community service as directed by the department of land and



1 natural resources at the rate of one hour of service for every  
2 \$10 of mandatory fine imposed.

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

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

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



**Report Title:**

Wild or Feral Deer; Interisland Transportation

**Description:**

Prohibits the interisland transfer, transport, or release after transport of wild or feral deer, with certain exceptions.  
Establishes mandatory fines. (SB3001 HD1)

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

