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

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

16 "Release" means to free an animal from effective
17 confinement or restraint."



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

3 **"§183D-5 Penalties.** (a) Any person violating section
4 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under
5 this chapter shall be guilty of a petty misdemeanor, and upon
6 conviction thereof, shall be punished as follows:

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

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

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



1 (b) Any person violating section 183D-25.5, 183D-26,
2 183D-27, 183D-32, 183D-62, or 183D-64 shall be guilty of a
3 misdemeanor, and upon conviction thereof, shall be punished as
4 follows:

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

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

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



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

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

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

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



1 after transport, or by imprisonment of not more than
2 one year, or both.

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

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

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

18 ~~[(f)]~~ (g) The court, in lieu of the actual cash payment of
19 any mandatory fine, may allow the defendant to perform such
20 community service as directed by the department of land and
21 natural resources at the rate of one hour of service for every
22 \$10 of mandatory fine imposed.



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

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

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



Report Title:

Wild or Feral Mammals; Interisland Transportation

Description:

Prohibits the interisland transfer, transport, or release after transport of wild or feral mammals, with certain exceptions; establishes mandatory fines. (SD1)

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

