

JAN 22 2016

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# A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES PENALTIES.

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

1           SECTION 1. Section 187A-13, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§187A-13~~ General penalty[-]; community service. (a) Any  
4 person violating this chapter or any rule adopted thereunder for  
5 which a penalty is not otherwise provided, shall be guilty of a  
6 petty misdemeanor and, in addition to any other penalties, shall  
7 be fined not less than:

8           (1) \$250 for a first offense;

9           (2) \$500 for a second offense; and

10           (3) \$1,000 for a third or subsequent offense.

11           (b) ~~[The fines specified in this section shall not be~~  
12 ~~suspended or waived.]~~ The court may require the defendant to  
13 complete an aquatic resources educational class administered by  
14 the department in addition to or in lieu of paying all or any  
15 part of any monetary fine authorized by this section.



1        (c) The court may direct the defendant to perform  
2 community service as administered by the department in lieu of  
3 paying any monetary fine authorized by this section."

4        SECTION 2. Section 188-70, Hawaii Revised Statutes, is  
5 amended to read as follows:

6        "§188-70 Penalties. (a) Any person violating any  
7 provision of or any rule adopted pursuant to this chapter,  
8 except sections 188-23 and 188-39.5, is guilty of a petty  
9 misdemeanor and, in addition to any other penalties, shall be  
10 fined not less than:

- 11        (1) \$100 for a first offense;
- 12        (2) \$200 for a second offense; and
- 13        (3) \$500 for a third or subsequent offense.

14        (b) Any person violating section 188-23, is guilty of a  
15 class C felony and shall be sentenced pursuant to chapter 706;  
16 provided that the environmental court, in addition to any term  
17 of imprisonment or any other terms and conditions of probation,  
18 shall order the defendant to pay a fine of not less than \$1,000.  
19 Notwithstanding section 706-669 and any other law to the  
20 contrary, any person in violation of subsection (b), as a first  
21 offense, shall be sentenced to a mandatory minimum period of

1 imprisonment without possibility of parole for thirty days.  
2 Repeat offenders shall be sentenced pursuant to chapter 706.

3 (c) [~~The fines specified in this section shall not be~~  
4 ~~suspended or waived.~~] The court may require the defendant to  
5 complete an aquatic resources educational class administered by  
6 the department of land and natural resources in addition to or  
7 in lieu of paying all or any part of any monetary fine  
8 authorized by this section.

9 (d) The court may direct the defendant to perform  
10 community service as administered by the department of land and  
11 natural resources in lieu of paying any monetary fine authorized  
12 by this section."

13 SECTION 3. Section 190-5, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "§190-5 Penalty. (a) Any person violating this chapter,  
16 any rule adopted pursuant thereto, or the terms and conditions  
17 of any permit issued under section 190-4, shall be guilty of a  
18 petty misdemeanor and punished as provided in subsections (b)  
19 and (c).

20 (b) The punishment, in addition to any other penalties,  
21 shall be a fine of not less than:



1 (1) \$250 for a first offense;

2 (2) \$500 for a second offense; and

3 (3) \$1,000 for a third or subsequent offense.

4 (c) ~~[The fines specified in this section shall not be~~

5 ~~suspended or waived.]~~ The court may require the defendant to

6 complete an aquatic resources educational class administered by

7 the department of land and natural resources in addition to or

8 in lieu of paying all or any part of any monetary fine

9 authorized by this section.

10 (d) The court may allow the defendant to perform community

11 service as administered by the department of land and natural

12 resources in lieu of paying any monetary fine authorized by this

13 section."

14 SECTION 4. This Act does not affect rights and duties that

15 matured, penalties that were incurred, and proceedings that were

16 begun before its effective date.

17 SECTION 5. Statutory material to be repealed is bracketed

18 and stricken. New statutory material is underscored.


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

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INTRODUCED BY: *A.C. Rich*

*Mike Gebbard* *Michelle Kudani*

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S.B. NO. 2453

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# S.B. NO. 2453

**Report Title:**

Aquatic Resources; Penalties; Educational Class; Community Service

**Description:**

Authorizes the court to require a person who violates certain laws pertaining to aquatic resources to complete an aquatic resources educational class administered by DLNR in lieu of or in addition to paying a monetary fine. Authorizes the court to require a person who violates certain laws pertaining to aquatic resources to perform community service administered by DLNR in lieu of paying a monetary fine.

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

