



GOV. MSG. NO. 1168

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 16, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 16, 2016, the following bill was signed into law:

SB2453 HD1 CD1

RELATING TO AQUATIC RESOURCES
PENALTIES
ACT 067 (16)

Sincerely,

A handwritten signature in black ink that reads "David Y. Ige".

DAVID Y. IGE
Governor, State of Hawai'i

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.

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



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

3 "§188-70 Penalties. (a) Any person violating any
4 provision of or any rule adopted pursuant to this chapter,
5 except sections 188-23 and 188-39.5, is guilty of a petty
6 misdemeanor and, in addition to any other penalties, shall be
7 fined not less than:

- 8 (1) \$100 for a first offense;
- 9 (2) \$200 for a second offense; and
- 10 (3) \$500 for a third or subsequent offense.

11 (b) Any person violating section 188-23, is guilty of a
12 class C felony and shall be sentenced pursuant to chapter 706;
13 provided that the environmental court, in addition to any term
14 of imprisonment or any other terms and conditions of probation,
15 shall order the defendant to pay a fine of not less than \$1,000.
16 Notwithstanding section 706-669 and any other law to the
17 contrary, any person in violation of subsection (b), as a first
18 offense, shall be sentenced to a mandatory minimum period of
19 imprisonment without possibility of parole for thirty days.
20 Repeat offenders shall be sentenced pursuant to chapter 706.



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

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

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

13 "§190-5 Penalty. (a) Any person violating this chapter,
14 any rule adopted pursuant thereto, or the terms and conditions
15 of any permit issued under section 190-4, shall be guilty of a
16 petty misdemeanor and punished as provided in subsections (b)
17 and (c).

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

- 20 (1) \$250 for a first offense;
- 21 (2) \$500 for a second offense; and



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

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

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

12 SECTION 4. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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

APPROVED this 16 day of JUN, 2016



GOVERNOR OF THE STATE OF HAWAII