

JAN 20 2017

A BILL FOR AN ACT

RELATING TO CHAPTER 183, HAWAII REVISED STATUTES.

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

1 SECTION 1. Section 183-5, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) In addition:

4 (1) A fine of an amount up to [~~\$10,000~~ the current market
5 value of each koa tree at that location and the cost
6 of restoration or replacement of the habitat per
7 violation of section 183-17 may be levied for each
8 destroyed or harvested koa tree, or portion thereof,
9 larger than six inches in diameter at ground level;
10 and

11 (2) A fine of an amount up to [~~\$2,000~~ the current market
12 value of each tree or plant, other than koa, at that
13 location and the cost of restoration or replacement of
14 the habitat per violation of section 183-17 may be
15 levied for each destroyed or harvested tree or plant,
16 other than koa, or portion thereof, larger than six
17 inches in diameter at ground level."



1 SECTION 2. Section 183-18, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§183-18 Criminal penalties. (a) Unless otherwise
4 specified, any person who violates a provision of this part or a
5 rule adopted pursuant to this part shall be guilty of a petty
6 misdemeanor. A person convicted of violating a provision of
7 this part or a rule adopted pursuant to this part shall be
8 sentenced, without the possibility of probation or suspension of
9 sentence, as follows:

10 (1) A mandatory fine of not less than \$100, or
11 imprisonment of not more than thirty days, or both,
12 for a first offense, or any offense not preceded
13 within a five-year period by a conviction for a prior
14 offense;

15 (2) A mandatory fine of not less than \$500, or by
16 imprisonment of not more than thirty days, or both,
17 for an offense that occurs within five years of a
18 conviction for a prior offense; and

19 (3) A mandatory fine of \$1,000, or imprisonment of not
20 more than thirty days, or both, for an offense that



1 occurs within five years of two or more convictions
2 for prior offenses.

3 For purposes of this subsection, "offense" means a violation of
4 any provision of this part or any rules adopted pursuant
5 thereto.

6 (b) Any person who [~~violates~~] is convicted for violating
7 section 183-17 [~~upon conviction thereof,~~] is guilty of a
8 misdemeanor and shall be fined not more than \$2,000 or
9 imprisoned not more than one year, or both. [~~In addition to any~~
10 ~~other penalty imposed under this section, a fine of up to \$2,000~~
11 ~~shall be levied for each tree illegally destroyed or harvested~~
12 ~~under section 183-17.] "~~

13 SECTION 3. Section 183-4, Hawaii Revised Statutes, is
14 repealed.

15 [~~"§183-4 General penalty. Any person violating any of the~~
16 ~~provisions of chapters 183 to 185, for which violation a penalty~~
17 ~~is not otherwise provided, or violating any rule or regulation~~
18 ~~of the department of land and natural resources, and any master~~
19 ~~of any vessel which brings into the State any article which the~~
20 ~~department shall at any time prohibit from being imported into~~
21 ~~the State, and the master of any vessel from which is landed any~~



1 ~~article required in chapters 183 to 185 to be inspected, before~~
 2 ~~the master has received a permit to land the articles from the~~
 3 ~~department or its officer or inspector, as in such chapters~~
 4 ~~provided, shall be fined not more than \$500."]~~

5 SECTION 4. This Act does not affect rights and duties that
 6 matured, penalties that were incurred, and proceedings that were
 7 begun before its effective date.

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

10 SECTION 6. This Act shall take effect on July 1, 2017.

11

INTRODUCED BY:

[Handwritten signature] *[Handwritten signature]*
[Handwritten signature] *[Handwritten signature]*
[Handwritten signature]



S.B. NO. 411

Report Title:

Penalties; Timber Trespass in Forest Reserves; Destruction or Harvesting of Trees and Plants on State Lands; Koa Trees; Forest Reserve Violations

Description:

Amends fines for the destroying or harvesting of koa trees and other trees and plants on state lands to an amount up to the current market value of each tree or plant at that location and the cost of restoration or replacement of the habitat. Clarifies that any person that violates a provision of part II of chapter 183, HRS (forest reserves), or any rule adopted pursuant thereto, other than section 183-17, HRS, shall be guilty of a petty misdemeanor. Repeals the general penalty provision of chapter 183, HRS.

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

