



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 5, 2019

GOV. MSG. NO. 1354

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

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

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

This is to inform you that on July 5, 2019, the following bill was signed into law:

HB808 HD1 SD2 CD1

RELATING TO SHARK AND RAY PROTECTION.
ACT 252 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO SHARK AND RAY PROTECTION.

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

1 SECTION 1. Section 188-39.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[f] §188-39.5 [f] Manta rays,~~ Rays; hihimanu; hāhālua;
4 hailepo; lupe; prohibitions, penalties, and fines. (a) [No]
5 Except as provided in subsection (e), no person shall knowingly
6 capture ~~[or kill]~~, take, possess, abuse, or entangle a [manta]
7 ray, whether alive or dead, or kill any ray, within state marine
8 waters.

9 (b) Any person violating this section or any rule adopted
10 pursuant to this section shall be guilty of a misdemeanor and
11 shall be fined:

- 12 (1) \$500 for a first offense;
13 (2) \$2,000 for a second offense; and
14 (3) \$10,000 for a third or subsequent offense.

15 (c) In addition to any other penalty imposed under this
16 section, a person violating this section shall be subject to:



- 1 (1) An administrative fine of not more than \$10,000 for
2 each [manta] ray captured, taken, possessed, abused,
3 or entangled, whether alive or dead, or killed in
4 violation of this section;
- 5 (2) Seizure and forfeiture of any captured [manta] rays,
6 commercial marine license, vessel, and fishing
7 equipment; and
- 8 (3) Assessment of administrative fees and costs[?] and
9 attorney's fees and costs.
- 10 (d) The criminal penalties and administrative fines and
11 costs shall be assessed per [manta] ray captured, taken,
12 possessed, abused, or entangled, whether alive or dead, or
13 killed in violation of this section.
- 14 (e) This section shall not [~~prohibit~~] apply to special
15 activity permits allowed under section 187A-6[?] or research
16 permits authorized by law; provided that the permit issued does
17 not allow a take that exceeds the potential biological removal
18 level; and provided further that the department shall adopt
19 rules pursuant to chapter 91 to define a "take" and determine
20 when a take exceeds the potential biological removal level.



1 (f) Nothing in this section shall be construed to restrict
2 the exercise of traditional and customary rights protected
3 pursuant to article XII, section 7, of the state constitution.

4 (g) For the purposes of this section, "ray" means any
5 species of ray within the subclass elasmobranchii."

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 05 day of JUL, 2019



GOVERNOR OF THE STATE OF HAWAII



HB No. 808, HD 1, SD 2, CD 1

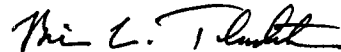
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


President of the Senate


Clerk of the Senate