A BILL FOR AN ACT

RELATING TO PENALTIES FOR VIOLATIONS ON CERTAIN STATE LANDS.

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

SECTION 1. The purpose of this Act is to make resolution of traffic infractions, as simple as possible for the average citizen and to ensure that police, prosecutor, and judicial resources are focused on the most serious criminal offenses. This Act decriminalizes traffic infractions within the department of land and natural resources' natural area reserves, game management areas, wildlife sanctuaries, and public hunting areas so that they are consistent with the penalties for similar infractions established for the state park system by Act 101, Session Laws of Hawaii 2008.

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

"§183D-5 Penalties. (a) Any person violating section 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under this chapter shall be guilty of a petty misdemeanor, and upon conviction thereof, shall be punished as follows:
(1) For a first conviction, by a mandatory fine of not less than $100, or imprisonment of not more than thirty days, or both;

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

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

(b) Any person violating section [183D-66] 183D-25.5, 183D-26, 183D-27, 183D-32, 183D-62, [er] 183D-64, or 183D-66 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as follows:
(1) For a first conviction by a mandatory fine of not less than $200, or by imprisonment of not more than one year, or both;

(2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than $1,000, or by imprisonment of not more than one year, or both, and all firearms, animal parts, products, or items containing prohibited animal parts or products used in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State; and

(3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than $2,000, or by imprisonment of not more than one year, or both, and all firearms, animal parts, products, or items containing prohibited animal parts or products used in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State.

(c) Any person who violates section 183D-52 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as follows:
(1) For a first conviction, by a mandatory fine of not less than $10,000 and payment of any costs incurred in the eradication of any deer and the deer's progeny that has been possessed, transferred, transported, or released after transport, or by imprisonment of not more than one year, or both;

(2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than $15,000 and payment of any costs incurred in the eradication of any deer and the deer's progeny that has been possessed, transferred, transported, or released after transport, or by imprisonment of not more than one year, or both; and

(3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than $25,000 and payment of any costs incurred in the eradication of any deer and the deer's progeny that has been possessed, transferred, transported, or released after transport, or by imprisonment of not more than one year, or both.

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

(e) In addition to any other penalty imposed under this section, a mandatory fine of $100 shall be levied for each bird illegally taken under this chapter and a mandatory fine of $500 shall be levied for each mammal illegally taken under this chapter.

(f) Any person who violates any rule adopted by the department under this chapter regulating vehicular parking or traffic movement shall have committed a traffic infraction as set forth in chapter 291D, the adjudication of which shall be subject to the provisions contained therein. A person found to have committed such a traffic infraction shall be fined not more than:

(1) $100 for a first violation;

(2) $200 for a second violation; and

(3) $500 for a third or subsequent violation.

(g) Any person who is convicted of violating any of the game laws of the State, except as provided in subsection...
(f), shall immediately have the person's hunting license forfeited and any person convicted for a second offense shall not be granted a license to hunt for a period of three years after the date of the second conviction.

(g) The environmental court, in lieu of the actual cash payment of any mandatory fine, may allow the defendant to perform the community service as directed by the department of land and natural resources at the rate of one hour of service for every $10 of mandatory fine imposed.

(h) Any criminal action against a person for any violation of this chapter or any rule adopted thereunder shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs or monetary assessments against that person. Any civil legal action against a person to recover administrative fines and costs or monetary assessments, for any violation of subtitle 4 of title 12 or any rule adopted thereto, or the conditions and restrictions of any license, permit, or check station thereunder shall not be deemed to preclude the State from pursuing any criminal action against that person."

SECTION 3. Section 195-8, Hawaii Revised Statutes, is amended to read as follows:
§195-8 Penalty. (a) Except as provided in subsection (b), any person who violates any of the laws and rules applicable to the reserves system, upon conviction thereof, shall be guilty of a misdemeanor and shall be fined not less than $1,000 or imprisoned not more than one year, or both, for each offense.

(b) Any person who violates any section of this chapter or rule adopted by the department under this chapter regulating vehicular parking or traffic movement shall have committed a traffic infraction as set forth in chapter 291D, the adjudication of which shall be subject to the provisions contained therein. A person found to have committed such a traffic infraction shall be fined not more than:

1. $100 for a first violation;
2. $200 for a second violation; and
3. $500 for a third or subsequent violation.

(c) Except as otherwise provided by law, the board or its authorized representative by proper delegation is authorized to set, charge, and collect administrative fines or bring legal action to recover administrative fees and costs as documented by receipts or affidavit, including attorney's fees.
and costs; or bring legal action to recover administrative
fines, fees, and costs, including attorney's fees
and costs, or payment for damages or for the cost to correct
damages resulting from a violation of this chapter or any rule
adopted thereunder. The administrative fines shall be as
follows:
(1) For a first violation, a fine of not more than $2,500;
(2) For a second violation within five years of a previous
violation, a fine of not more than $5,000; and
(3) For a third or subsequent violation within five years
of the last violation, a fine of not more than
$10,000.

Any criminal action against a person for any
violation of this chapter or any rule adopted thereunder shall
not be deemed to preclude the State from pursuing civil legal
action to recover administrative fines and costs or monetary
assessments against that person. Any civil legal action against
a person to recover administrative fines and costs or monetary
assessments for any violation of this chapter or any rule
adopted thereunder shall not be deemed to preclude the State
from pursuing any criminal action against that person."
SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

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

INTRODUCED BY:  

BY REQUEST
Report Title:
Traffic Infractions; Decriminalization

Description:
Decriminalizes traffic infractions within natural area reserves, game management areas, wildlife sanctuaries, and public hunting areas.

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

**DEPARTMENT:**  
Land and Natural Resources

**TITLE:**  
A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS ON CERTAIN STATE LANDS.

**PURPOSE:**  
To decriminalize traffic infractions within natural area reserves, game management areas, wildlife sanctuaries, and public hunting areas.

**MEANS:**  
Amend sections 183D-5 and 195-8, Hawaii Revised Statutes (HRS).

**JUSTIFICATION:**  
The Legislature has been engaged in an ongoing effort to make resolution of minor criminal offenses, including traffic violations, as simple as possible for the average citizen and to ensure that police, prosecutor, and judicial resources are focused on the most serious criminal offenses.

This bill seeks to decriminalize traffic infractions within natural area reserves, game management areas, wildlife sanctuaries, and public hunting areas so that they are comparable with the penalties for similar infractions established for the State Park System. The proposed amendments create a new type of offense for traffic infractions adjudicated pursuant to chapter 291D, HRS. The reference to "monetary assessment" would be consistent with the terminology used in chapter 291D, HRS.

**Impact on the public:** The bill would simplify resolution of traffic violations occurring on certain state lands.

**Impact on the department and other agencies:** The bill would reduce effort and resources expended to resolve minor traffic violations occurring on certain state lands for the Department, the police, the prosecutors, and the Judiciary.
GENERAL FUND: None.
OTHER FUNDS: None.
PPBS PROGRAM DESIGNATION: LNR 402, 407, and 804.
OTHER AFFECTED AGENCIES: Police departments, Judiciary, Prosecuting Attorney offices.
EFFECTIVE DATE: Upon approval.