
A BILL FOR AN ACT

RELATING TO FERAL BIRDS.

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

1 SECTION 1. Chapter 142, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§142- Feeding of feral birds; penalty. (a) No person
5 shall feed a feral bird on the person's own property such that
6 the feral bird causes a common nuisance on other property.

7 (b) A certificate, sworn to or affirmed by an individual
8 authorized to enforce this section pursuant to section 142-29,
9 or a facsimile thereof, based upon inspection of the premises
10 and witnessing of a violation, or photographs, microphotographs,
11 videotape, or other images gathered or received by the
12 individual authorized to enforce this section shall be prima
13 facie evidence of a violation. Any photographs,
14 microphotographs, videotape, or other recorded images evidencing
15 a violation shall be available for inspection in any proceeding
16 to adjudicate the liability for the violation.

17 (c) Any person who violates this section shall be fined
18 not less than \$ nor more than \$. For a second



1 offense committed within five years of a prior offense, the
2 person shall be guilty of a petty misdemeanor and fined not less
3 than \$ _____ nor more than \$ _____.

4 As used in this section:

5 "Common nuisance" means an unreasonable interference with a
6 right common to the general public, and in absence of evidence
7 to the contrary is deemed to include:

8 (1) Feral birds whose droppings cause damage to other
9 property;

10 (2) Feral birds roosting or nesting on other property; and

11 (3) Feral birds whose droppings and feathers create a
12 health risk or interfere with the normal use or
13 enjoyment of other property.

14 "Feral bird" means any non-domesticated avian, including
15 pigeons.

16 "Other property" in regards to a person, means property
17 which the person does not own, occupy, or have control over.

18 "Own property" in regards to a person, means property which
19 the person owns, occupies, or has control over, but does not
20 include property owned or occupied by the United States or
21 State."



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

4 SECTION 3. New statutory material is underscored.

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

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Report Title:

Feral Birds; Common Nuisance; Fine

Description:

Makes feeding feral birds that cause a common nuisance subject to a fine. Makes a second offense within five years a petty misdemeanor.

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