
A BILL FOR AN ACT

RELATING TO SHARK AND MANTA RAY PROTECTION.

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

1 SECTION 1. The legislature finds that sharks and manta
2 rays are extremely important to ocean ecosystems. As ocean
3 predators near the top of the food chain, sharks and manta rays
4 keep the ecosystem balanced, regulate populations of other
5 marine life, and ensure healthy fish stock and reefs.

6 Sharks and manta rays are more vulnerable to fishing
7 pressures than most other fish species. They are long-lived,
8 slow-growing, start reproducing at an advanced age, and produce
9 relatively few offspring per year. If over-fished, these
10 populations take a long time to recover. If the food chain is
11 disrupted by a decline in the shark population, it affects the
12 entire reef system. Protection for sharks and manta rays
13 ultimately means healthier, more resilient oceans and reefs that
14 are better able to withstand other pressures on the ocean
15 ecosystem from climate change and pollution.

16 Sharks and manta rays on the reefs not only play important
17 ecological roles but are also valued figures in Hawaiian culture



1 and are important economically to ocean recreation industries
2 and to tourism in Hawaii. The benefits of maintaining viable
3 populations greatly outweigh any value that would be gained by
4 killing these species.

5 The purpose of this Act is to:

- 6 (1) Protect sharks and manta rays for ecological purposes,
7 for their value to the ocean recreation industry, and
8 for their value to native Hawaiian cultural practices;
9 and
- 10 (2) Establish fines and penalties for knowingly capturing,
11 killing, or taking a shark within state waters.

12 SECTION 2. Chapter 188, Hawaii Revised Statutes, is
13 amended by adding a new section be appropriately designated and
14 to read as follows:

15 "§188- Sharks; prohibitions; exceptions; penalties and
16 fines. (a) Except as provided in subsections (e) through (i),
17 or as otherwise provided by law, no person shall knowingly
18 capture, kill, or take any shark within state marine waters.

19 (b) Any person violating this section or any rule adopted
20 pursuant to this section shall be guilty of a misdemeanor;
21 provided that the fine for violating this section shall be:



- 1 (1) \$500 for a first offense;
- 2 (2) \$2,000 for a second offense; and
- 3 (3) \$10,000 for a third or subsequent offense.
- 4 (c) In addition to any other penalty imposed under this
5 section, a person violating this section shall be subject to:
- 6 (1) An administrative fine of not more than \$10,000 for
7 each shark captured, killed, or taken in violation of
8 this section;
- 9 (2) Seizure and forfeiture of any captured sharks,
10 commercial marine license, vessel, and fishing
11 equipment; and
- 12 (3) Assessment of administrative fees and costs, and
13 attorney's fees and costs.
- 14 (d) The criminal penalties and administrative fines and
15 costs shall be assessed per shark captured, killed, or taken in
16 violation of this section.
- 17 (e) This section shall not prohibit special activity
18 permits allowed under section 187A-6; provided that the permit
19 issued does not allow a take that exceeds the potential
20 biological removal level.



1 (f) This section shall not apply to any person exercising
2 native Hawaiian gathering rights and traditional cultural
3 practices as authorized by law or as permitted by the department
4 pursuant to article XII, section 7 of the Hawaii State
5 Constitution.

6 (g) This section shall not apply to the department or its
7 designated agent if the capture, kill, or take is for public
8 safety.

9 (h) This section shall not apply to any person who
10 captures, kills, or takes a shark outside of state marine
11 waters.

12 (i) This section shall not apply to any person who is
13 protecting themselves from an attack by a shark.

14 (j) For the purposes of this section, "take" means
15 catching, confining, landing, or harvesting using a pole, tine,
16 hook, net, trap, spear, or other gear which is designed to
17 catch, land, or harvest aquatic life."

18 SECTION 3. Section 188-39.5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 " ~~[+]~~ §188-39.5 ~~[+]~~ **Manta rays; prohibitions, penalties and**
21 **fines.** (a) ~~[No]~~ Except as provided in subsections (e) through



1 (h), or as otherwise provided by law, no person shall knowingly
2 capture, take, or kill a manta ray within state marine waters.

3 (b) Any person violating this section or any rule adopted
4 pursuant to this section shall be guilty of a misdemeanor and
5 shall be fined:

6 (1) \$500 for a first offense;

7 (2) \$2,000 for a second offense; and

8 (3) \$10,000 for a third or subsequent offense.

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

11 (1) An administrative fine of not more than \$10,000 for
12 each manta ray captured, taken, or killed in violation
13 of this section;

14 (2) Seizure and forfeiture of any captured manta rays,
15 commercial marine license, vessel, and fishing
16 equipment; and

17 (3) Assessment of administrative fees and costs, and
18 attorney's fees and costs.

19 (d) The criminal penalties and administrative fines and
20 costs shall be assessed per manta ray captured, taken, or killed
21 in violation of this section.



1 (e) This section shall not prohibit special activity
2 permits allowed under section 187A-6; provided that the permit
3 issued does not allow a take that exceeds the potential
4 biological removal level [~~; and provided further that the~~
5 ~~department shall adopt rules to define a "take" and determine~~
6 ~~when a take exceeds the potential biological removal level~~].

7 (f) This section shall not apply to any person exercising
8 native Hawaiian gathering rights and traditional cultural
9 practices as authorized by law or as permitted by the department
10 of land and natural resources pursuant to article XII, section 7
11 of the Hawaii State Constitution.

12 (g) This section shall not apply to the department or its
13 designated agent if the capture, kill, or take is for public
14 safety.

15 (h) This section shall not apply to any person who
16 captures, kills, or takes a manta ray outside of state marine
17 waters.

18 (i) For the purposes of this section, "take" means
19 catching, confining, landing, or harvesting using a pole, tine,
20 hook, net, trap, spear, or other gear which is designed to
21 catch, land, or harvest aquatic life.



1 (j) The department may promulgate rules to identify and
2 protect the three most threatened species of manta ray."

3 SECTION 4. Section 188-70, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

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

9 (1) \$100 for a first offense;

10 (2) \$200 for a second offense; and

11 (3) \$500 for a third or subsequent offense."

12 SECTION 5. 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 6. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Sharks; Rays; Poaching and Commercial Fishing Prohibited

Description:

Creates administrative penalties for any person who knowingly captures, kills, or takes any shark or manta ray within state marine waters. Provides exemptions for native Hawaiian gathering rights and cultural practices, research purposes, and public and personal safety. (HB1339 HD1)

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