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# A BILL FOR AN ACT

RELATING TO FOREST RESERVES VIOLATIONS.

**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 up to \$10,000~~] per violation of section  
5 183-17 may be levied for each destroyed or harvested  
6 koa tree, or portion thereof, larger than six inches  
7 in diameter at ground level; and

8 (2) A fine [~~of up to \$2,000~~] per violation of section 183-  
9 17 may be levied for each destroyed or harvested tree  
10 or plant, other than koa, or portion thereof, larger  
11 than six inches in diameter at ground level.

12 The board may set, charge, and collect the fines based on the  
13 value of the natural resource that is damaged, the market value  
14 of the natural resource damaged, and any other factor it deems  
15 appropriate, such as the loss of the natural resource to its  
16 natural habitat and environment and the cost of restoration or  
17 replacement."



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

3 "~~§183-18 Criminal penalties. [Any person who violates~~  
4 ~~section 183-17, upon conviction thereof, is guilty of a~~  
5 ~~misdemeanor and shall be fined not more than \$2,000 or~~  
6 ~~imprisoned not more than one year, or both. In addition to any~~  
7 ~~other penalty imposed under this section, a fine of up to \$2,000~~  
8 ~~shall be levied for each tree illegally destroyed or harvested~~  
9 ~~under section 183-17.]~~ (a) Any person violating any provision  
10 of this part or any rule adopted pursuant thereto, unless  
11 otherwise specified, shall be guilty of a petty misdemeanor and,  
12 upon conviction thereof, shall be sentenced as follows without  
13 possibility of probation or suspension of sentence:

- 14 (1) For a first offense, or any offense not preceded  
15 within a five-year period by conviction for a prior  
16 offense, a mandatory fine of not less than \$100, or  
17 imprisonment of not more than thirty days, or both;  
18 (2) For an offense that occurs within five years of a  
19 prior conviction for an offense, a mandatory fine of  
20 not less than \$500, or imprisonment of not more than  
21 thirty days, or both; and



1        (3) For an offense that occurs within five years of two or  
 2            more prior convictions for offenses, a mandatory fine  
 3            of \$1,000, or imprisonment of not more than thirty  
 4            days, or both.

5 For purposes of this subsection, "offense" means a violation of  
 6 any provisions of this part or any rules adopted pursuant  
 7 thereto.

8        (b) Any person who violates section 183-17, upon  
 9 conviction thereof, is guilty of a misdemeanor and shall be  
 10 fined not more than \$2,000 or imprisoned not more than one year,  
 11 or both."

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

14        [~~"§183-4 General penalty. Any person violating any of the~~  
 15 ~~provisions of chapters 183 to 185, for which violation a penalty~~  
 16 ~~is not otherwise provided, or violating any rule or regulation~~  
 17 ~~of the department of land and natural resources, and any master~~  
 18 ~~of any vessel which brings into the State any article which the~~  
 19 ~~department shall at any time prohibit from being imported into~~  
 20 ~~the State, and the master of any vessel from which is landed any~~  
 21 ~~article required in chapters 183 to 185 to be inspected, before~~



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

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

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

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



**Report Title:**

Penalties; Chapter 183; Repeal; Section 183-4

**Description:**

Allows the Board to set, charge, and collect fines for violations of section 183-17, Hawaii Revised Statutes. Clarifies that any person violating any provision of part II of chapter 183, Hawaii Revised Statutes, or any rule adopted pursuant thereto shall be guilty of a petty misdemeanor, except for any violation of section 183-17, Hawaii Revised Statutes, that shall be a misdemeanor. Repeals section 183-4, Hawaii Revised Statutes. (HB2378 HD1)

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

