

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO SANDALWOOD.

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

1           SECTION 1. The legislature finds that sandalwood is an  
2 aromatic, heavy, and fine-grained timber that has been highly  
3 valued for centuries. Sandalwood is not only unique from other  
4 aromatic woods in that it retains its fragrance for decades, but  
5 it also produces a nut that is a well-known food source for  
6 Hawaiians. Unfortunately, the slow-growing trees have been  
7 overharvested and are frequently cut down for the use of the  
8 timber, without consideration of the valued nuts.

9           The legislature further finds that three native sandalwood  
10 species in Hawaii were exploited for sandalwood trade between  
11 1790 and 1825, leading to the near extinction of sandalwood in  
12 Hawaii. While native sandalwood species may still be found in  
13 Hawaii, they are no longer abundant. Native sandalwood species  
14 are a rarity in the inhabited lowlands due to the lack of native  
15 soil, which is vital to their growth, as a result of human  
16 activities. Despite the rarity of the native sandalwood  
17 species, sandalwood is still being overharvested and needs to be



1 protected. If not protected from overharvesting, the native  
2 sandalwood species in Hawaii will once again face the strong  
3 possibility of extinction.

4 The purpose of this Act is to maintain a sustainable  
5 industry and ensure the continued growth of the native  
6 sandalwood species in Hawaii, including the valued sandalwood  
7 nut, by prohibiting the sale, export, and possession with intent  
8 to sell or export of raw or unprocessed timber of native  
9 sandalwood species.

10 SECTION 2. Chapter 183, Hawaii Revised Statutes, is  
11 amended by adding a new part to be appropriately designated and  
12 to read as follows:

13 "PART . SANDALWOOD

14 §183-A Raw or unprocessed timber of native sandalwood  
15 species; out-of-state sale prohibition; export prohibition. It  
16 shall be unlawful to sell, offer to sell, export outside the  
17 State, possess with the intent to sell, or possess with the  
18 intent to export outside the State any raw or unprocessed  
19 timber, including whole or partial raw logs, of any native  
20 sandalwood species. It shall be presumptive evidence of



1 possession with intent to sell or export outside the State when  
2 any evidence may serve to independently establish such intent.

3       **§183-B Fees.** (a) Any person who sells, offers to sell,  
4 possesses with the intent to sell, possesses with the intent to  
5 export, or exports raw or unprocessed timber, including whole or  
6 partial raw logs, of a native sandalwood species shall pay to  
7 the department a fee equal to           per cent of the dollar value  
8 of the sandalwood that was sold, exported, or intended for sale  
9 or export.

10       (b) All fees collected pursuant to subsection (a) shall be  
11 deposited in the treasury of the State for use by the department  
12 for forestry purposes, and all sums so collected and deposited  
13 are appropriated for those purposes.

14       **§183-C Criminal penalties.** Any person who violates  
15 section 183-A, upon conviction thereof, is guilty of a  
16 misdemeanor and shall be fined not more than \$           or  
17 imprisoned not more than one year, or both. In addition to any  
18 other penalty imposed under this section, a fine of up to  
19 \$           shall be levied for each piece of timber illegally  
20 sold, exported, or possessed with intent to sell or export under  
21 section 183-A."



1 SECTION 3. In codifying the new sections added by section  
2 of this Act, the revisor of statutes shall substitute  
3 appropriate section numbers for the letters used in designating  
4 the new sections in this Act.

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

8 SECTION 5. This Act shall take effect upon its approval.  
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# S.B. NO. 319

**Report Title:**

Conservation; Department of Land and Natural Resources;  
Sandalwood; Penalties; Fees

**Description:**

Prohibits the sale, export, and possession with intent to sell or export raw or unprocessed sandalwood timber, including whole or partial raw logs. Establishes penalties for the sale, export, or possession with the intent to sell or export raw or unprocessed sandalwood timber and establishes a violation as a misdemeanor.

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

