
A BILL FOR AN ACT

RELATING TO PROTECTION OF FOREST RESERVES.

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

1 SECTION 1. Chapter 183, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§183- General administrative penalties. (a) Except as
5 otherwise provided by law, the board or its authorized
6 representative may:

- 7 (1) Set, charge, and collect administrative fines;
8 (2) Bring legal action to recover administrative fines,
9 fees, and costs, including attorney's fees and costs
10 and costs associated with land or habitat restoration;

11 and

- 12 (3) Collect administrative fees and costs pursuant to
13 paragraph (2),
14 resulting from a violation of this chapter, any rule adopted, or
15 permit issued thereunder.

16 (b) The administrative fines for violation of this chapter
17 shall be as follows:

1 (1) For a first violation, or any violation not preceded
2 within a five-year period by a violation, a fine of
3 not more than \$2,500 per violation;

4 (2) For a second violation within five years of a previous
5 violation, a fine of not more than \$5,000 per
6 violation; and

7 (3) For a third or subsequent violation within five years
8 of the last two violations, a fine of not more than
9 \$10,000 per violation.

10 (c) A fine of up to \$2,000 per violation may be levied for
11 each destroyed or harvested tree or plant, or portion thereof,
12 other than koa, larger than six inches in diameter at ground
13 level.

14 (d) A fine of up to \$10,000 per violation may be levied
15 for each destroyed or harvested koa tree, or portion thereof,
16 larger than six inches in diameter at ground level.

17 (e) Any criminal prosecution for any violation of this
18 chapter or any rule adopted thereunder shall not be deemed to
19 preclude the State from recovering additional administrative
20 finances, fees, and costs, including attorney's fees and costs.



1 (f) Fines under this section shall not be imposed on
2 persons exercising native Hawaiian gathering rights or
3 traditional cultural practices.

4 (g) The department shall submit an annual report outlining
5 the revenues generated by the penalties to the legislature at
6 least twenty days before each regular session."

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

9 "~~§183-18 [Penalty-]~~ Criminal penalties. Any person who
10 violates section 183-17, upon conviction thereof, is guilty of a
11 misdemeanor and shall be fined not more than [~~\$1,000~~] \$2,000 or
12 imprisoned not more than one year, or both. In addition to any
13 other penalty imposed under this section, a fine of up to \$2,000
14 shall be levied for each tree illegally destroyed or harvested
15 under section 183-17."

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

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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

Report Title:
Conservation; Forests

PROPOSED

Description:

Establishes general administrative penalties for violations under chapter 183. Increases fines for timber trespass. (SD2)

