
A BILL FOR AN ACT

RELATING TO FISHING.

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

1 SECTION 1. Section 188-40.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+] §188-40.5 [1]~~ ~~[Sharks,]~~ Shark fins; prohibitions;
4 administrative penalties. (a) No person shall knowingly
5 [harvest]:

6 (1) Harvest shark fins from the territorial waters of the
7 State ~~[, or land]~~;

8 (2) Import into the state shark fins harvested from
9 outside the territorial waters of the State;

10 (3) Land shark fins in the ~~[State,]~~ state; or

11 (4) Have custody, control, or possession of any shark fin;

12 unless the fins were taken from a shark landed whole in the
13 ~~[State-]~~ state.

14 (b) No person shall knowingly sell, offer for sale, trade,
15 or distribute shark fins.

16 (c) No sharks or shark fins harvested in violation of
17 subsection (a) shall be transshipped to any other vessel within
18 the State's territorial waters.



1 ~~[(b)]~~ (d) Any person violating this section or any rule
2 adopted thereunder shall be subject to:

3 (1) Seizure and forfeiture of shark fins, commercial
4 marine license, vessel, and fishing equipment; and

5 (2) An administrative fine of not less than \$5,000 and not
6 more than \$15,000. In addition, the violator may be
7 assessed administrative fees and costs, and attorney's
8 fees and costs.

9 ~~[(e)]~~ (e) Any criminal prosecution or penalty imposed for
10 violation of this section or any rule adopted thereunder shall
11 not preclude seizure and forfeiture pursuant to chapter 712A, or
12 the imposition of any administrative fines and costs or
13 attorney's fees and costs under this section.

14 ~~[(d)]~~ (f) This section shall apply to ~~[the following]~~ all
15 vessels ~~[when]~~ fishing outside the territorial waters of the
16 State ~~[+]~~;

17 ~~[(1) Vessels that hold a fishing license or permit issued~~
18 ~~by the State as a prerequisite to participation in the~~
19 ~~fishery, or that have owners or captains who hold a~~
20 ~~fishing license or permit issued by the State as a~~
21 ~~prerequisite to participation in the fishery;~~

22 ~~(2) Vessels that are registered under section 200 31; or~~



1 ~~(3) Vessels with federal documentation that lists as a~~
2 ~~homeport a location within the State,~~
3 provided that the enforcement of this section on [these] vessels
4 outside the territorial waters of the State shall not apply if
5 enforcement of this section is in violation of, or in conflict
6 with, federal law.

7 ~~(e)~~ (g) Notwithstanding anything to the contrary, this
8 section shall apply [only] to all vessels in transit through the
9 state or the State's territorial waters or that stop to off-load
10 cargo or refuel in the [State] state or [its] the State's
11 territorial waters.

12 (h) There shall be a rebuttable presumption that any shark
13 fins landed from a vessel or found on board a vessel were taken,
14 held, or landed in violation of subsection (a) if it is not
15 attached to the shark.

16 ~~(f)~~ (i) As used in this section:

17 "Land" or "landed" means when the shark or any part thereof
18 is ~~first~~ brought to shore~~[-]~~ in Hawaii.

19 "Shark fin" means the raw or dried fin of a shark with the
20 shark carcass removed.



1 "Whole" means the entire shark with its head and flesh
2 intact, allowing for the removal of the blood, internal organs,
3 and tail at sea."

4 SECTION 2. 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 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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



Report Title:

Fishing; Sharks; Finning

Description:

Prohibits importation to the state or possession of shark fins unless the fins were taken from a shark landed whole in the state. Prohibits the sale of shark fins. Applies prohibition to all vessels stopping to refuel or offload cargo or otherwise in transit through waters of the State. Establishes presumption regarding possession of shark fins not attached to the carcass. (HB1775 HD1)

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