
A BILL FOR AN ACT

RELATING TO ENDANGERED SPECIES.

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

1 SECTION 1. The number of species of plants, animals, and
2 microorganisms; the enormous diversity of genes in these
3 species; and the different ecosystems on the planet, such as
4 deserts, rainforests, and coral reefs, are all part of a
5 biologically diverse Earth. Biodiversity ensures natural
6 sustainability for all life forms and healthy ecosystems that
7 can better withstand and recover from a variety of disasters.
8 Human activity is causing a tremendous number of species
9 extinctions, from animal species, forests, and the ecosystems
10 that forests support, to marine life.

11 The federal Endangered Species Act of 1973, as amended,
12 establishes a process of identifying species that are in danger
13 of becoming extinct. The green sea turtle, the nene, and the
14 Hawaiian monk seal are all endangered species. Despite the
15 protections provided by the federal Endangered Species Act,
16 these animals continue to be at risk. Two recent incidents of
17 intentionally killed Hawaiian monk seals on Kauai and one on
18 Molokai have brought attention to the human threat to Hawaii's



1 endangered species. In September, 2009, an individual pleaded
2 guilty to shooting a Hawaiian monk seal on Kauai in violation of
3 the federal Endangered Species Act. The individual received a
4 ninety-day prison term, one year supervised release, and a \$25
5 fine. The legislature finds that this sentence is not
6 sufficient to deter future harassment of Hawaii's endangered
7 species, specifically Hawaiian monk seals. To protect Hawaiian
8 monk seals from future harassment and death, stiffer penalties
9 need to be imposed.

10 The purpose of this Act is to establish the crime of
11 intentionally or knowingly taking (as defined in section 195D-2,
12 Hawaii Revised Statutes) a Hawaiian monk seal as a class C
13 felony.

14 SECTION 2. Chapter 195D, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§195D- Taking a monk seal prohibited. (a) A person
18 commits the offense of taking a monk seal if the person
19 intentionally or knowingly takes a Hawaiian monk seal (Monachus
20 schauinslandi).



1 (b) Any person convicted of taking a monk seal shall be
2 guilty of a class C felony; provided that in addition to any
3 other sentence, the court may impose a fine up to \$50,000."

4 SECTION 3. 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 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Endangered Species; Hawaiian Monk Seal; Felony

Description:

Establishes the crime of intentionally or knowingly taking of a Hawaiian monk seal as a class C felony. Effective July 1, 2050.
(SB2441 HD2)

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