



GOV. MSG. NO. 623

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 8, 2010

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 8, 2010, the following bill was signed into law:

SB2441 SD2 HD2 CD1

A BILL FOR AN ACT  
RELATING TO ENDANGERED SPECIES.  
ACT 165 (10)

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Aiona, Jr.", written over a horizontal line.

JAMES R. AIONA, JR.

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ACTING GOVERNOR

on JUN 8 2010

THE SENATE  
TWENTY-FIFTH LEGISLATURE, 2010  
STATE OF HAWAII

**ACT 165**

**S.B. NO.** 2441  
S.D. 2  
H.D. 2  
C.D. 1

# 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."

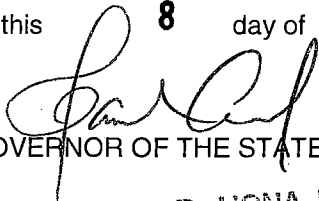
4        SECTION 3. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

7        SECTION 4. New statutory material is underscored.

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

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APPROVED this 8 day of JUN, 2010

  
GOVERNOR OF THE STATE OF HAWAII

JAMES R. AIONA JR.

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ACTING GOVERNOR